



## PLANNING COMMISSION MEETING

## STAFF REPORT

**Thursday, August 25, 2016**

- |                                     |  |
|-------------------------------------|--|
| Item 1<br>PL2016-128<br>6:00 p.m.   | Patrick Bigelow<br>9915 Portland Avenue<br>Variances to increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches and the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches and to increase the opacity from 50 percent to 100 percent |
| Item 2<br>(study item)<br>6:05 p.m. | City of Bloomington<br>Update on Forward 2040 Forecasts  |
| Item 3<br>(study item)<br>6:10      | City of Bloomington<br>Comprehensive Plan Update   |
| Item 4<br>(study item)<br>6:15 p.m. | City of Bloomington<br>AUAR Update   |
| Item 5<br>(study item)              | City of Bloomington<br>Consider approval of draft 8/4/16 and 8/11/16 Planning Commission meeting synopses  |

Originator  
Planning

Item

**Variances to Increase the opacity from 50 percent to 100 percent, increase fence height from 4 feet to 7 feet 4 inches and increase the posts from 12 inches above the fence to 13 inches**

Date  
8/25/2016

Description

Applicant: Patrick Bigelow

Location: 9915 Portland Avenue South

Request: Variances to:

- 1) Increase the fence opacity from 50 percent to 100 percent.
- 2) Increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches.
- 3) Increase the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches.

Requested Action

Staff recommends the following motion:

In Case PL2016-128, being unable to make the required findings, I move to approve recommend denial of three variance to increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches and the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches and to increase the opacity from 50 percent to 100 percent at 9915 Portland Avenue South.

Attachments:

Staff Report PL2016-128  
Notification Map  
Publication Verified  
Plans Submitted  
Project Description  
Gopher one e-mail  
Support letter

## GENERAL INFORMATION

Applicant: Patrick Bigelow

Location: 9915 Portland Avenue South

Request: Variances to:

- 1) Increase the fence opacity from 50 percent to 100 percent.
- 2) Increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches.
- 3) Increase the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches.

Existing Land Use and Zoning: Single Family Residential; zoned R-1

Surrounding Land Use and Zoning: Single Family Residential; zoned R-1

Comprehensive Plan Designation: Low Density Residential

## CHRONOLOGY

Planning Commission 08/25/2016 – Public Hearing scheduled

## DEADLINE FOR AGENCY ACTION

Application Date: 07/20/2016  
60 Days: 09/18/2016  
Extension Letter Mailed: NA  
120 Days: 11/17/2016  
**Applicable Deadline: 09/18/2016**  
Newspaper Notification: Confirmed – (08/11/16 Sun Current – 10 day notice)  
Direct Mail Notification: Confirmed – (200 buffer – 10 day notice)

## STAFF CONTACT

Londell Pease  
(952) 563-8926  
lpease@BloomingtonMN.gov

## **PROPOSAL**

The applicant's single family dwelling is located at the southeast corner of East 99<sup>th</sup> Street and Portland Avenue. The dwelling front is setback 35.72 feet from East 99<sup>th</sup> Street and the detached garage is setback 35 feet from Portland Avenue. Even though the property is addressed from Portland Avenue, the dwelling fronts East 99<sup>th</sup> Street with a side yard adjoining a public street along Portland Avenue.

The applicant started to construct a privacy fence with a body of 6 feet in height with a one foot lattice extension above the body for the total fence height of 7 feet 4 inches. The posts were designed to extend 10 inches above the lattice, although the applicant proposes solar LED lighting on the top of the posts, which increases the post height to 13 inches above the proposed lattice portion. The Environmental Health Division responded to an inquiry and informed the applicant of the violation. The work on the fence was stopped with the fence body fully constructed with a portion of the lattice added.

The applicant requests two "after-the-fact" variances and one additional variance. Two variances for the 7 foot 4 inch fully opaque fence with lattice as constructed and the third for the increased post height for lighting. The fence parallels Portland Avenue, extending 13 feet 6 inches north of the garage and setback 20 feet from Portland Avenue and 15 feet from the rear property line. The applicant states he researched and visited City Hall to inquire about a fence prior to constructing the fence.

## **BACKGROUND**

The applicant first approached the City in 2011 about the desire to have a fence along Portland Avenue. Staff recalls a lengthy discussion and suggested Code complying alternatives such as a berm and landscaping to achieve the desired privacy.

The applicant states he recently, prior to constructing the fence, stopped at City Hall to inquire about a deck, shed and fence. He stated there was no fence handout available and he asked questions of staff. This resulted in constructing the fence as he understood was a Code complying location and height.

It is important to note since September of 2015, staff initiated policies to minimize issues related to fences being installed in violation of the City Code. This was the result of a direct request by the City Council to insure correct information was available. Staff members have been directed to never speak about a fence at the counter without providing the handout. The handouts are placed in at least three locations near the front counter, one openly available to the public. In addition, staff is on the Gopher State One Call notifications list. Staff prepares a document package and provides the fence handout via e-mail for any Gopher State One Call request. Using this method of outreach in addition to the counter contacts, the applicant was sent the information attached to the staff report. The applicant stated he never received the e-mail.

## ANALYSIS

The City Code restricts fences between a building and the street to four feet in height and a maximum of 50 percent opaque, unless along a designated arterial. Portland Avenue north of 98<sup>th</sup> street is an arterial. However, the arterial designation does not extend south of 98<sup>th</sup> Street where the applicant's house is. Therefore, any fences between the structure and the street are limited to four feet in height with a maximum 50 percent opaque.

The applicant believes a taller fence is justified because of:

1. The volume of traffic on Portland Avenue; and
2. The desire to screen the recreational vehicles.

The most recent traffic counts on Portland Avenue record 2,500 trips per day immediately south of 98<sup>th</sup> street, and 2,200 vehicles per day (VPD) just south of 99<sup>th</sup> Street. While the recorded volumes are greater than the 300 to 1,000 trips typical for a residential street, they are significantly lower than the 8,000 to 20,000 vehicles carried by arterial roadways, where the code allows for a 6 foot privacy fence in the side yard adjoining a street and for through lots. The Portland Avenue volumes are also unexceptional (if not slightly low) for collector streets in Bloomington. (See Table 1 for a comparison to other collector streets.) It is difficult to find justification for the variance based on traffic volumes.

**TABLE 1: Average Daily Traffic comparison for select non-arterial streets  
(Applicant's location has ADT of 2,200 trips)**

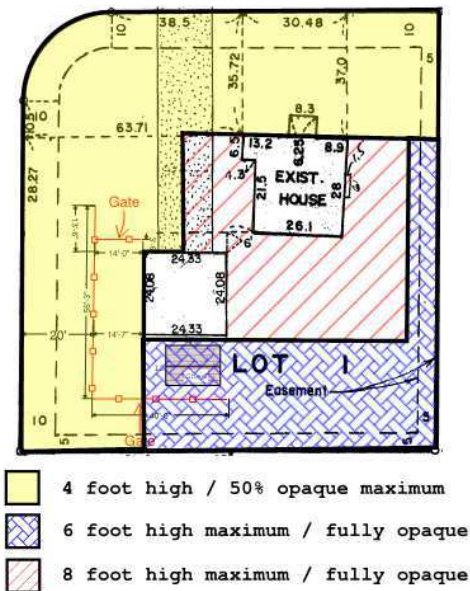
Street/ Location	ADT	Street/ Location	ADT
Xerxes Ave at 84 <sup>th</sup> Street	1,700	82 <sup>nd</sup> Street at Nicollet Ave	2,800
W 84 <sup>th</sup> Street at Portland Ave	1,800	102 <sup>nd</sup> Street at Nicollet Ave	3,300
Overlook Drive at Penn Ave	2,000	12 <sup>th</sup> Ave at 84 <sup>th</sup> Street	4,100
110 <sup>th</sup> Street at Xerxes Ave	2,300	W 110 <sup>th</sup> Street at France Ave	4,500
MN Bluffs Drive at Auto Club	2,700	W 86 <sup>th</sup> Street at Portland Ave	6,200

The City Council previously approved variances for six foot high fences in the side yard adjoining a street. As a result, the Planning Commission recommended Code language to allow for six foot high, fully opaque fence closer to the street in side yards adjoining a street. The City Council determined a review through the variance process is preferable and the Code amendment was not adopted.

The past variance approvals were all for six foot high, fully opaque fences in the side yard adjoining a street. The reasons for the variances in those cases included the smaller than required lot size restricting the area for privacy, significant truck traffic, or required for medical reasons.

The applicant's Code complying lot is over 15,000 square feet where over 5,000 square feet could be legally secured behind a six foot fully opaque fence without a variance. In addition, there is slightly over 2,000 square feet which would allow an 8 foot high fence. (See Figure 1) There is minimal truck traffic on Portland Avenue south of 98<sup>th</sup> Street. Unlike other variance requests, the applicant

**Figure 1: City Code allowed location and type of fence for 9915 Portland Avenue**



Staff has received a letter of support from the neighbor at 610 East 99<sup>th</sup> Street. The letter is attached to the agenda materials. No other comments were received.

## FINDINGS

### Variance Findings – Section 2.98.01 (b)(2)(A-C)

**A) That the variance is in harmony with the general purposes and intent of the ordinance;**

- The City Code acknowledges the health, safety, aesthetic, and economic value of fences. The requested variance for a 7 foot 4 inch fence is greater than the general public is allowed for rear yards along a property line. A fence of 7 feet 4 inches is not in harmony with the general purpose and intent of the City Code to provide reasonable privacy from the adjoining street.

**B) That the variance is consistent with the comprehensive plan;**

- The Comprehensive Plan does not specifically discuss fences nor include goals or strategies that specifically relate to the request. The request is not inconsistent with the Comprehensive Plan.

**C) When the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.**

- The applicant believes the practical difficulty in complying with the zoning ordinance includes the levels of traffic on Portland Avenue where increased traffic and activity minimize privacy. Portland Avenue south of 98<sup>th</sup> Street has an ADT lower than many similar collector streets in the City of Bloomington.

**Practical difficulties as used in connection with the granting of the variance, means that:**

**(i) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;**

- A 7 foot 4 inch high, substantially opaque fence around a portion of the side yard adjoining a street and rear yard to increase the privacy is not required for the reasonable use of a single family property.

**(ii) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and**

- The applicant's lot is a Code complying 15,228 square foot lot. The applicant could construct a six foot privacy fence to enclose over 5,000 square feet of the rear yard to provide privacy. The applicant primarily desires the fence along the street to screen vehicles parked and stored along the street side of the garage. There is sufficient area available for the applicant to place the possessions for which screening is desired in locations where they could be legally screened with privacy fences. Therefore, the plight of the landowner is due to circumstances created by the landowner.

**(iii) The variance if granted will not alter the essential character of the locality.**

- While six-foot tall fully opaque fences in yard areas adjoining a street have been approved for specific unique situations, they are limited due to the potential negative impacts on the character of the surrounding neighborhood. A 7 foot 4 inch fence with post top lights at 8 feet five inches is not consistent with the character of a residential neighborhood.

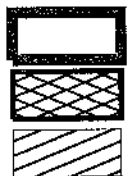
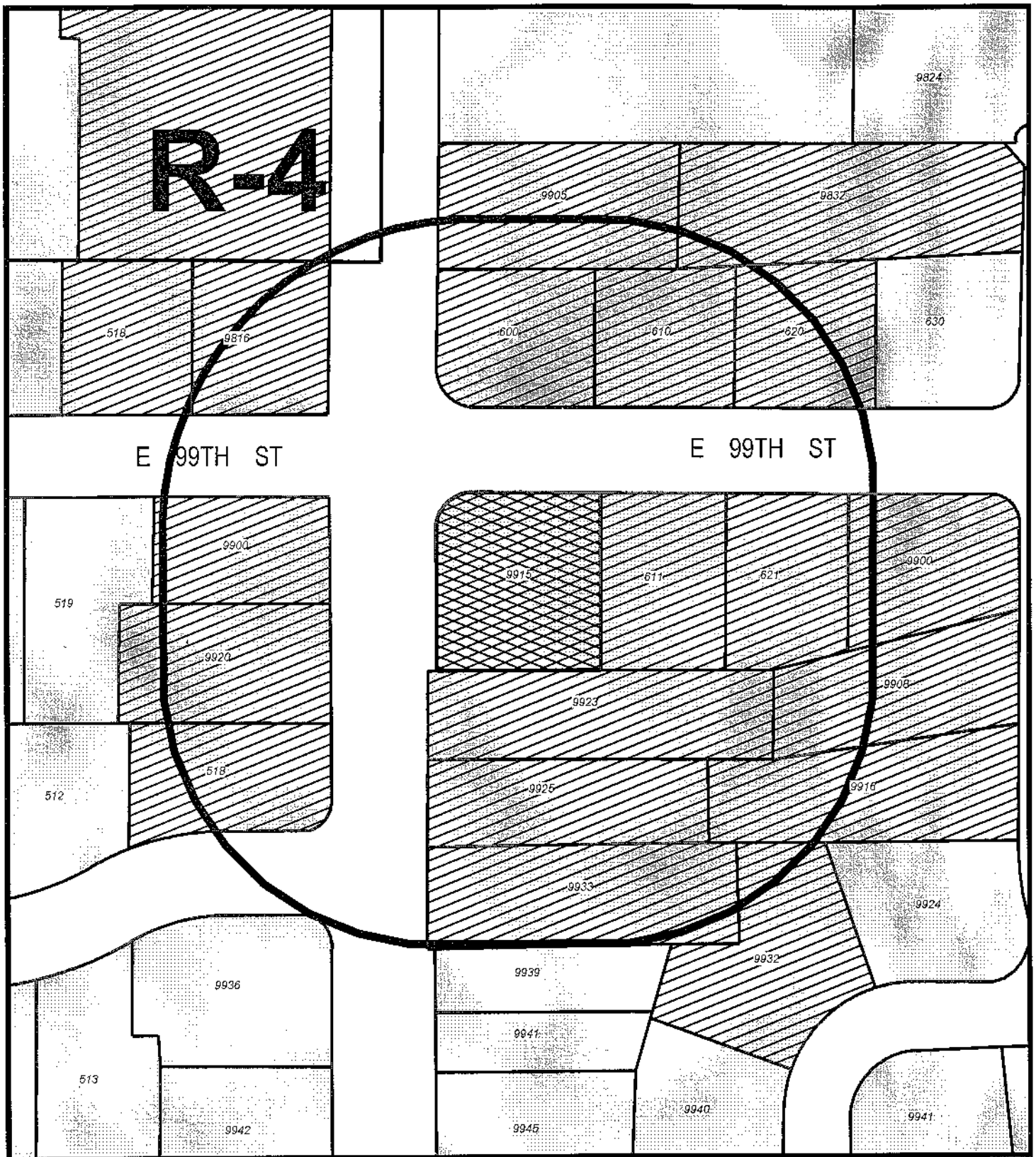
## **RECOMMENDATION**

Staff recommends the following motion:

In Case PL2016-128, being unable to make the required findings, I move to recommend denial of three variances to increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches and the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches and to increase the opacity from 50 percent to 100 percent at 9915 Portland Avenue South.



# City of Bloomington Notification Map

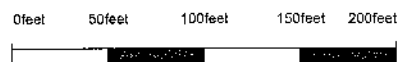


Notification Boundary  
Applicant Property  
Notified Properties

Zoning District Boundary  
(Labels Refer to Zoning District)

PL2016-128

(A notice of this application was sent to the registered owner of these properties)



Scale: 1:1200

Plot time: 07/26/2016 12:00:53

# AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA ) ss  
COUNTY OF HENNEPIN

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

SC Bloomington

with the known office of issue being located in the county of:

HENNEPIN

with additional circulation in the counties of:  
HENNEPIN

and has full knowledge of the facts stated below:

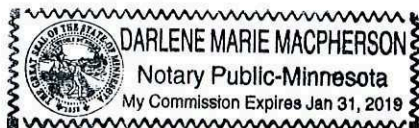
- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 08/11/2016 and the last insertion being on 08/11/2016.

**MORTGAGE FORECLOSURE NOTICES**  
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold  
Designated Agent

Subscribed and sworn to or affirmed before me on 08/11/2016 by Charlene Vold.

Darlene M MacPherson  
Notary Public



## Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:  
\$34.45 per column inch

Ad ID 581614

## CITY OF BLOOMINGTON NOTICE OF PUBLIC HEARING BY THE PLANNING COMMISSION

CASE FILE NUMBER:

PL2016-128

APPLICANT: Bigelow, Patrick

PROPERTY ADDRESS:

9915 Portland Avenue

PROPOSAL: Variances to increase the allowed height of a fence in the side yard adjacent to a street from 4 feet to 7 feet 4 inches and the posts from 12 inches above the fence to 13 inches above for a total height of 8 feet 5 inches and to increase the opacity from 50 percent to 100 percent.

DATE, LOCATION, AND TIME  
OF HEARING: 08/25/2016, 6:00 p.m.

City Council Chambers -  
Bloomington City Hall  
1800 West Old Shakopee Road  
City Council consideration date is announced at the Planning Commission meeting date at which action is taken.

HOW YOU CAN PARTICIPATE:  
(Please include Case File number above when corresponding)

1. Submit a letter to the address below expressing your views;
2. Attend the hearing and give testimony about the proposal; and/or
3. Contact the Planning Division using the information below.

FURTHER INFORMATION:  
Londell Pease, Senior Planner  
1800 West Old Shakopee Road  
Bloomington, MN 55431-3027  
Phone: 952-563-8926  
Email: lpease@BloomingtonMN.gov

Published in the  
Bloomington Sun Current  
August 11, 2016  
581614

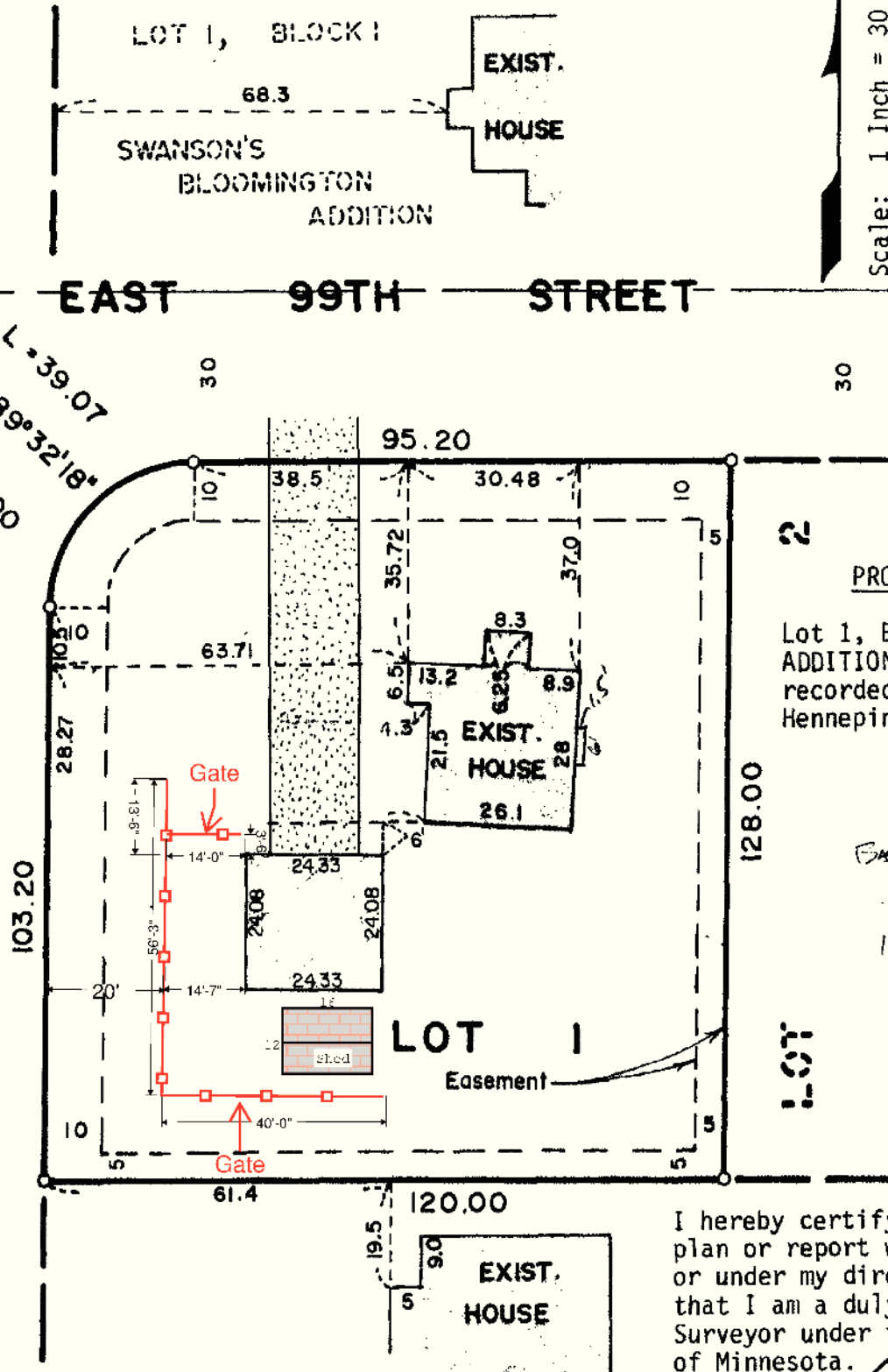
## Surveyor's Certificate

Scale: 1 Inch = 30 Feet

PORTLAND AVENUE SOUTH

9915 Portland Ave

EAST 99TH STREET



## PROPERTY DESCRIPTION

Lot 1, Block 2, LUKNIC 2ND  
ADDITION, according to the  
recorded plat thereof,  
Hennepin County, Minnesota.

BATHROOM ADDITION  
4-5-85  
10860 B3

LOT 1

Easement

I hereby certify that this survey,  
plan or report was prepared by me  
or under my direct supervision and  
that I am a duly Registered Land  
Surveyor under the laws of the State  
of Minnesota.

Edward H. Sunde

Edward H. Sunde, R.L.S.

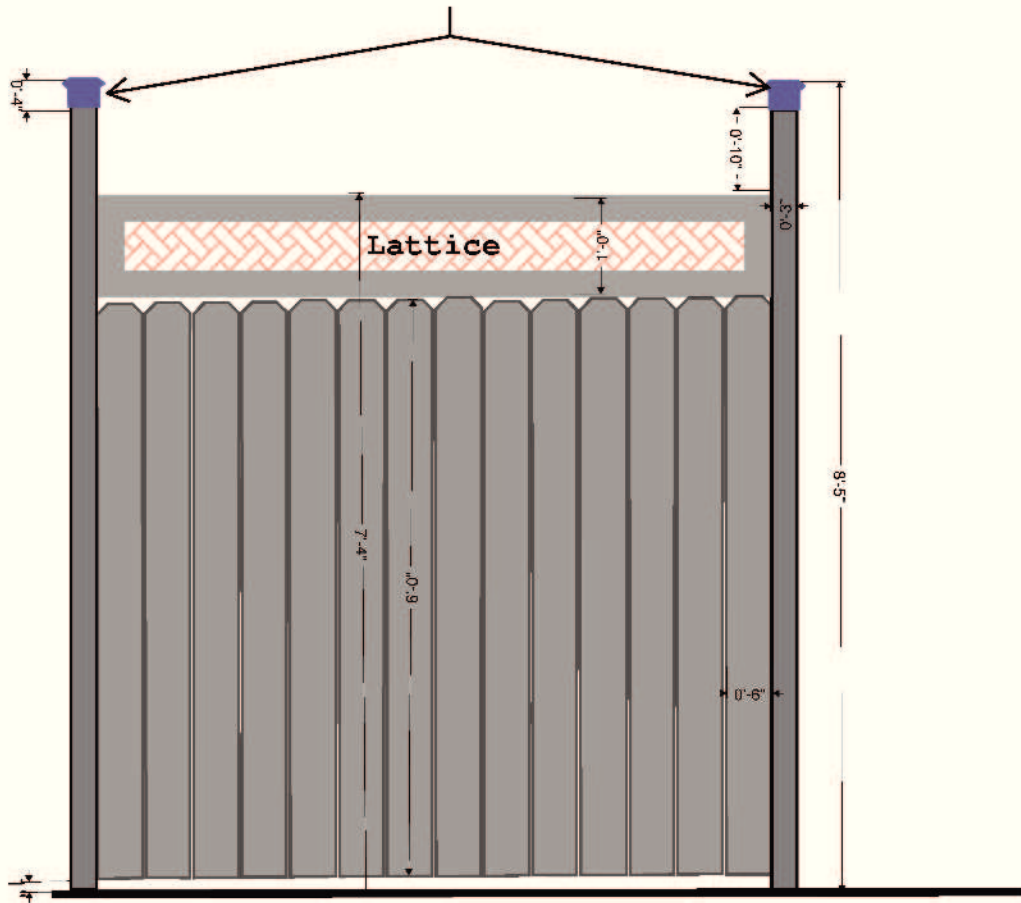
Date Sept. 12, 1978

Reg. No. 861

Revised: April 16, 1979  
Revised: June 17, 1980

9915 Portland Ave

Solar Powered Post Top Lighting  
(See example at the bottom of the page.)



Fence Section



Post top lighting example

July 19, 2016

## FENCE VARIANCE

I am writing this letter to the City of Bloomington's City council in hopes that I will be allowed to keep my fence built in its present form.

Before I had started the fence construction I had stopped at the City Hall and asked about building a fence, shed and a new deck. I was given fact sheets on the shed and deck construction. There was not a fact sheet that I could find for the fence. I asked questions and took notes on rules of building the fence. I must have misunderstood some of these rules because Josh stopped and left me a stop construction notice. That is the reason for this letter.

I live at the southeast corner of Portland Avenue and 99th Street. My address is 9915 Portland but the house is set toward 99th St. I feel this is an unusual corner lot. My driveway curb cutaway is on 99th Street. This means my whole driveway is completely in view from the busy traffic of Portland and 98th Street. Portland Avenue may not be viewed as an arterial street but a block away it goes from a four lane road to a two lane road. Portland Avenue also feeds through to roads like 100th, 102th and 104th streets and roads connected between. This a busy street in the mornings and early evenings.

There are a few reasons why I felt the need to build this fence in the way I did. First, pictures of my personal property and house ended up on a website along with my address. Second, I would like to have the privacy for my driveway in the same way an owner of a house on a street less traveled would or that someone not on a corner would have. I would like to have my boat cover off when I have equipment drying without every car passing seeing what is out and possibly stealing it. If they can't see it, they won't be tempted to take it. I would also like my camper to be out of the view of all passing by. With the six foot fence and a gate, all would be out of view.

I would like to explain the reason for the one foot lattice and eleven inch post tops. I wanted the fence to be more appealing to all who pass by. The top posts will have planters and solar powered lights on them. My thought was to make it not just a plain fence. I even built a fence toward the back so those neighbors did not have to look at the shed that was built. So far, all the neighbors directly affected by the fence have told me how nice of a job was done and how nice it looks. I have also had many compliments by people walking by. I do not believe the fence sticks out in the neighborhood any more than the fence on the corner lot across Portland Avenue.

Again I am asking for a fence variance as the fence is built in its present form (height and design) to allow me to have a privacy area for the boat and camper.

Thank you for your consideration on this matter.

Pat Bigelow



**Looking Southwest**



**Looking East from Portland**



**Looking Northeast from Portland**



**Looking North (from neighbors to the South)**



## Pease, Londell

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**From:** Pease, Londell  
**Sent:** Wednesday, June 08, 2016 12:49 PM  
**To:** 'thebigg72@aol.com'  
**Subject:** Fence at 9915 PORTLAND AVE RE: Ticket 161590523 sent by KorWeb-MN  
**Attachments:** fence\_standards.pdf; 1402724320071.pdf; Capture.JPG

Pat,

As part of the Gopher locate request for a fence at 9915 PORTLAND AVE, attached is the handout regarding the City of Bloomington requirements for fences. In general, fences behind the front of the dwelling are limited to 6 feet high with no limit on opacity. Any fence between the street and the front of the dwelling parallel to the front property line is limited to 4 feet and 50 percent opacity. I attached the survey on file with the area highlighted in yellow where the fence is limited to 4 feet and 50% opacity.

Please be aware along Portland Avenue there is a significant boulevard (see GIS data attached). The fence must be on your property and out of the public right-of-way. If you have a public sidewalk adjacent to the property line, the fence must have a two foot setback from the sidewalk.

All fences must be on the property. Assuming the street is constructed in the center of the right of way, the front property line is approximately 12 feet behind the curb.

Please contact Liz O'Day at 952-563-8920 or [eoday@bloomingtonmn.gov](mailto:eoday@bloomingtonmn.gov) for questions.

Londell Pease | Senior Planner  
Community Development | Planning Division  
1800 West Old Shakopee Road  
Bloomington, MN 55431

Phone: 952-563-8926 Fax: 952-563-8949  
Email: [lpease@BloomingtonMN.gov](mailto:lpease@BloomingtonMN.gov)

-----Original Message-----

From: [do\\_not\\_reply\\_mn@korweb.com](mailto:do_not_reply_mn@korweb.com) [mailto:[do\\_not\\_reply\\_mn@korweb.com](mailto:do_not_reply_mn@korweb.com)]  
Sent: Tuesday, June 07, 2016 9:23 PM  
To: Pease, Londell  
Subject: Ticket 161590523 sent by KorWeb-MN

KORTERRA JOB INSPECTOR16-SMTP-1 161590523 Seq: 3 06/07/2016 21:23:06

Gopher State One Call Locate Request

-----  
NEW

Ticket Number: 161590523 Old Ticket:  
By: mnsonya Source: VOICE  
Type: NORMAL Date: 06/07/2016 7:56 AM  
Send To: CBLMTN01 Sequence: 25

Company Information

-----  
PAT BIGELOW                      Type:        HOMEOWNER  
9915 PORTLAND AVE S  
BLOOMINGTON, MN 55420

Caller:        PAT BIGELOW      Caller Phone:    (612) 723-1045  
Contact:       PAT BIGELOW      Contact Phone:    (612) 723-1045  
Company Phone:                      Company Fax:  
Company Email:   thebigg72@aol.com

Work Information

-----  
State:        MN                      Work Date:       06/09/2016 8:00 AM  
County:       HENNEPIN                      Done For:        PAT BIGELOW  
Place:        BLOOMINGTON  
Street:        9915 PORTLAND AVE S  
Intersection:   E 99TH ST  
Type of Work:   INSTALLATION FENCE  
Explosives:    No                      Tunnel/Bore:    No  
Right of Way:   No                      Duration:        2 DAYS  
Area Marked:   No

Remarks Information

-----  
MARK THE ENTIRE YARD

Link To Map\_LINK for CBLMTN01: <http://mn.itic.occinc.com/BG3R-M2A-K9Z-JAR>

Facility Operators

-----  
Code        Name                                      Phone Number  
-----  
CBLMTN01   CITY OF BLOOMINGTON UTILITIES                      (952) 563-8777  
COMCST03   COMCAST                                      (612) 522-8141  
CTLMN01    CENTURYLINK - CTLQL                      (855) 742-6062  
MINGAS05   CENTER POINT ENERGY                      (406) 541-9571  
XCEL05      XCEL ENERGY                              (800) 848-7558

Location

-----  
Number of Excavation Locations: 1  
Coordinates for each location:  
Loc 1 : NW Lat: 44.824697 Lon: -93.268560 SE Lat: 44.822524 Lon: -93.266084  
T 27N R 24W S 15 Q SE    T 27N R 24W S 14 Q SW

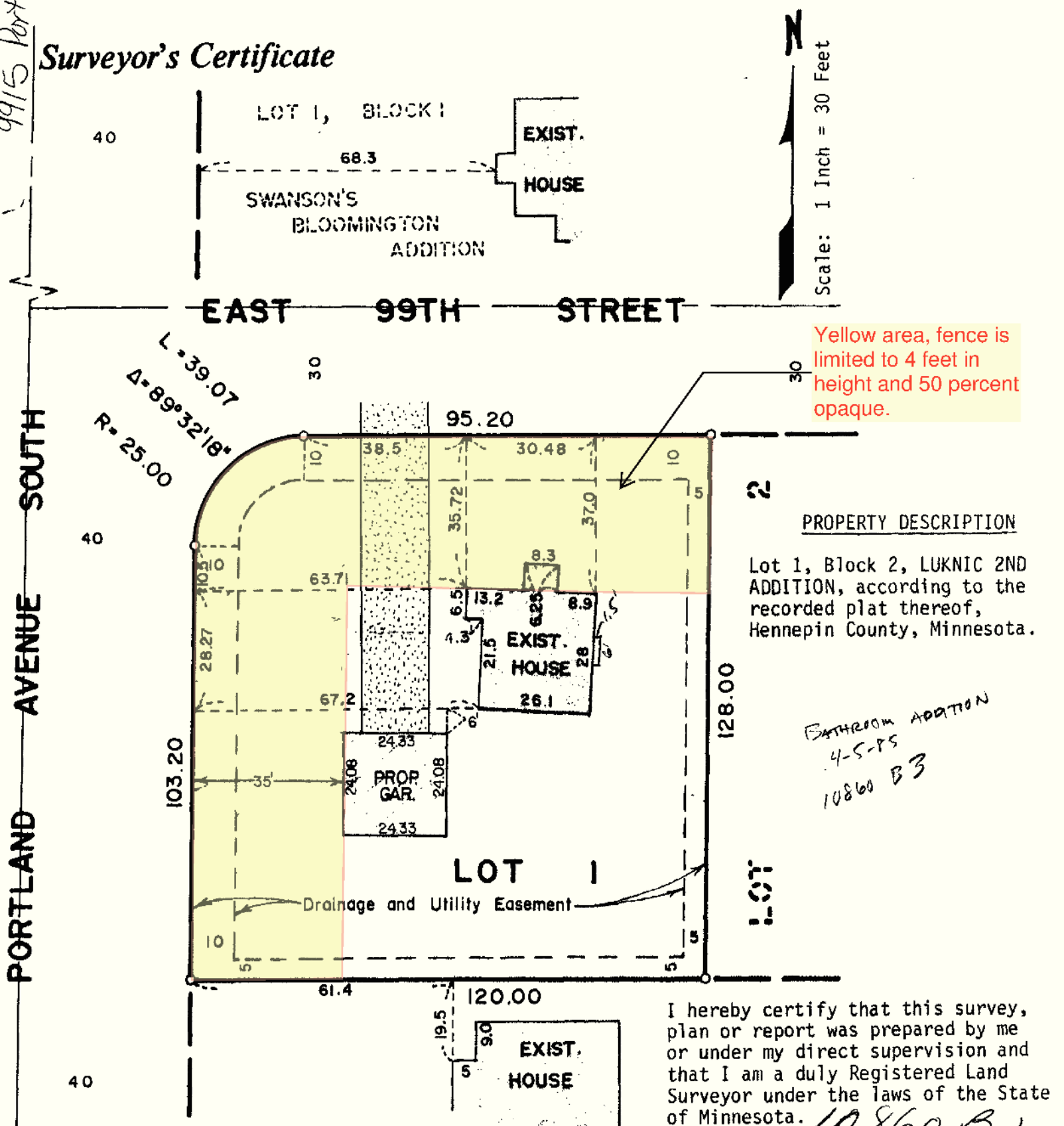


**SUNDE LAND SURVEYING, INC.**

**EDWARD H. SUNDE**  
REGISTERED LAND SURVEYOR

**9001 EAST BLOOMINGTON FREEWAY (35W) • BLOOMINGTON, MINNESOTA 55420 • 612-881-2455**

## Surveyor's Certificate



I hereby certify that this survey,  
plan or report was prepared by me  
or under my direct supervision and  
that I am a duly Registered Land  
Surveyor under the laws of the State  
of Minnesota. 10860 B

Edward H. Sine

Edward H. Sunde, R.L.S.

Date Sept. 12, 1978

Reg. No. 8612

Revised: April 16, 1979  
Revised: June 17, 1980

The following information condenses the provisions in *Bloomington City Code Section 21.301.08*.

**Note:** See *Terms and definitions* on page 4 for explanations of the terms used in this handout.

## When is a permit required?

Fence installations, alterations or repairs do not require a permit, with the following exceptions:

- A fence taller than six feet in height requires a building permit from the Building and Inspection Division **before** the fence is installed.
- A fence within a floodplain requires a permit from the Building and Inspection Division **before** installation.
- A fence within a shore area that is not more than 10 feet inland from the ordinary high water level (OHWL) requires a shore area permit from the Building and Inspection Division **before** installation.
- A fence may not be placed in the right-of-way without approval and an encroachment agreement.

Code requirements apply even if a permit is not required.

## Height

The following regulations apply to fence height, subject to the exceptions in the next column. For height requirements, an alley is not considered a street.

**Maximum height of fence body  
within area from property line to setback line**

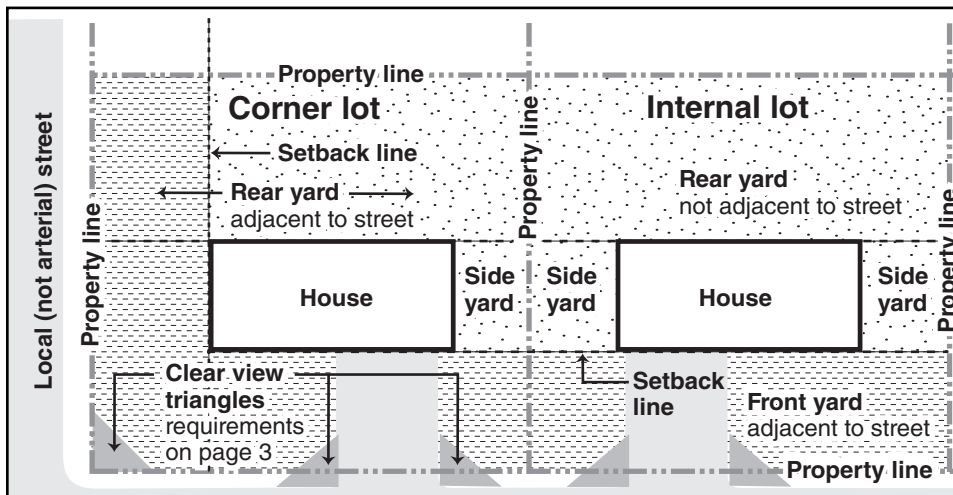
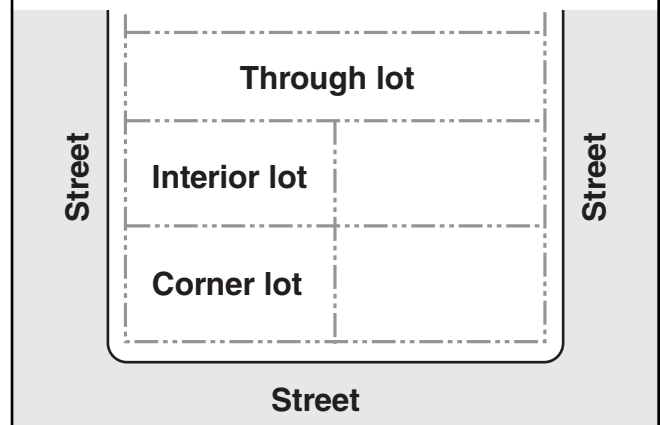
	Residential	Non-residential
<b>Yard adjacent to street</b>	4 feet	6 feet
<b>Yard not adjacent to street</b>	6 feet	10 feet

See below for typical residential lot examples.

## Exceptions




1. A residential fence in a yard adjacent to an arterial street as designated by the *Comprehensive Plan* may be a maximum height of six feet. See *map on page 4*.
2. A residential fence that meets the required setback from a specific property line for a principal structure in its zoning district may be eight feet high. A permit is required.
3. A residential fence in the rear yard of a corner lot may be six feet high if the fence meets the minimum setback from the street for a principal structure in its zoning district or provided the fence is no closer to the street than the principal structure or garage.
4. A residential fence in the rear yard of a through lot when both adjacent lots are also through lots may be six feet high.
5. A residential fence adjacent to a nonresidential use may be eight feet high. A permit is required.

## Lot type examples



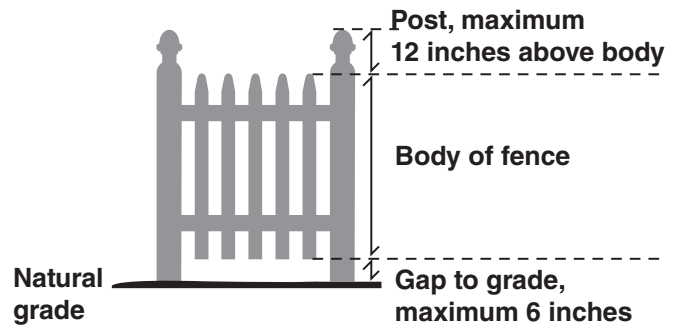
## Fence height and opacity for typical residential corner and internal lot

NOTE: Example assumes houses are at minimum setback lines.

-  **4-Foot** maximum height; 50% maximum opacity if over 3 feet high
  -  **6-Foot** maximum height, no opacity requirements;
  -  **8-Foot** maximum height, if building setbacks are met
- Permit required for fence taller than 6 feet.**

## Measuring fence height

The body of the fence determines the fence height. A maximum of six inches is allowed above the natural grade (e.g. for drainage purposes). Fence posts may extend a maximum of 12 inches above the body of the fence. If the fence height has been elevated through the use of a retaining wall, the creation of a berm or another method for the primary purpose of increasing the elevation of the fence, the fence height is measured from the ground elevation prior to the grade modification.



## Opacity

Fence opacity is the degree to which views are blocked.

When a fence adjacent to a street is over three feet in height and does not meet the required setback for a principal structure in the zoning district, fence opacity is limited to 50 percent or less, subject to the exceptions below. *See right for examples.* For opacity limitations, an alley is not considered a street.

### Exceptions

The following fences are exempt from opacity limitations:

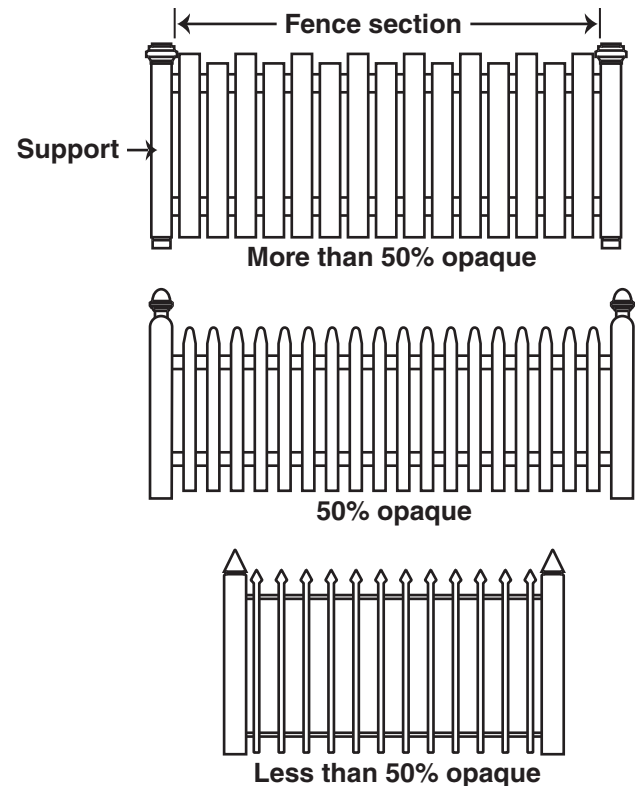
1. A fence in a yard adjacent to an arterial street as designated by the *Comprehensive Plan*, provided a 15-foot clear view triangle is maintained. *See page 3 for clear view triangles and page 4 for arterial streets.*
2. Screening fences required by the *City Code*, including commercial properties. *See Section 21.301.08 (g)(4).*
3. Screening fences required by a condition of approval for a development application.
4. Fences in the rear yard of a through lot when adjacent lots are also through lots. *See through lot example on page 1.*
5. Fences in the rear yard of a corner lot when the fence is no closer to the street than an existing principal structure or garage.
6. Vegetation growing adjacent to or on a fence will not be considered in determining compliance with the opacity requirements for fences.

## Approved materials

Fences must be constructed of wood, metal, bricks, masonry, plastic or other materials designed for permanent outdoor fencing. Wood fences must be constructed of cedar, redwood, or other decay resistant wood. Chain link fencing finer than 11-gauge in diameter is prohibited. (Note: 12-gauge is finer and 10-gauge wire is thicker than 11-gauge.) Fences must not be constructed from razor wire, snow fencing, plywood, or materials originally intended for other purposes. Above ground electric fencing is not permitted. Barbed wire is permitted only on top of fences in nonresidential districts, a minimum of six feet above the natural grade.

### Fence Opacity

Opacity (the degree to which light or views are blocked) is measured perpendicular to the fence for each fence section between supports.



### Exception

Temporary fences made of chicken wire in residential districts are permitted for residential garden uses only.

## Installation, posts and supporting members

All fence elements must be permanently installed and constructed in a workmanlike manner to secure the fence in a vertically level position. Fences must be installed so that posts and lateral supports are not on the side of the fence facing an adjacent property or public right-of-way, unless exposed on both sides.

## Maintenance

All fences must be kept in good repair and appearance on both sides of the fence by its owner. Peeling, flaking and chipped coating must be eliminated and surfaces recoated. The property owner is responsible for maintaining the area between the property line and the owner's fence.

## Restrictions

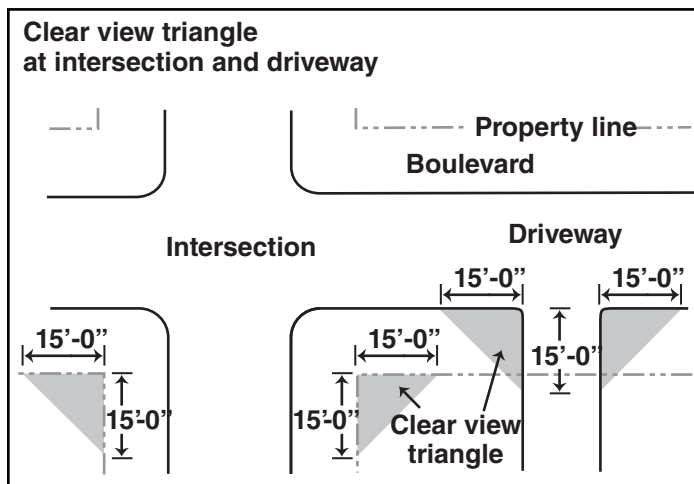
The following restrictions on fences apply to protect the public health, safety and welfare.

### Ownership

All fences, including fence footings, must be located entirely on the fence owner's property. Property irons or as-built surveys are ways to find the property's dimensions.

### Public easements

Fences may not be placed on or extend into a public easement where public improvements are located without approval of an encroachment agreement by the Director of Public Works or designee along with proof that the agreement has been filed with the records for the property in the Office of the Hennepin County Recorder or Registrar of Titles. When installing any part of a permitted fence into a public easement, the City or any agent of the City permitted to use the easement will be held harmless for any and all claims for damage to the fence that might occur when work is performed in the easement. In addition, the City is not responsible or liable for the reinstallation of any fence removed from the easement.



**Clear view triangle.** See above for examples.

- Fences of any style or material placed on corner lots must maintain a clear view triangle for visibility at the intersection of two streets or at the intersection of an alley and a street (see *City Code Section 17.31*).
- Fences of any style or material must maintain a clear view triangle from the street curb or street edge, not including alleys, for visibility from driveways on the lot or on an adjacent lot. The clear view triangle area for a

driveway is formed on each side of the driveway by measuring a distance of 15 feet along the street curb or edge and 15 feet along the driveway edge. See *City Code Section 21.301.08(f)(3)*.

- Fences must be placed entirely on the fence owner's property, while maintaining the clear view triangle, unless otherwise approved.

### Public sidewalks

In addition to clear view triangle requirements, when the property line is adjacent to a public sidewalk, fences must be set back a minimum of two feet from the sidewalk.

### Fire hydrant and utility clear zone

The area three feet in radius around fire hydrants, fire hose connections and utility boxes must be kept free of any fencing that could impede use of the hydrant, hose connection or utility box.

### Fences in floodways

Fences are not permitted in floodway areas as designated on FEMA's flood boundary and floodway map.

### Drainage

A fence must not adversely affect drainage or create debris build-up.

## Swimming pool enclosures

See *City Code Sections 14.443 (public pools) and 15.108 (private residential pools)*.

All fences for licensed public pools must comply with requirements of the *State of Minnesota Pool Code, MN Rules 4717.1550*.

## Utilities

The property owner is responsible for verifying that no conflicts exist with utilities prior to installation of fencing.

**Before digging, call Gopher State One-call at 651-454-0002 to locate utility lines.**

## Other fence-like features

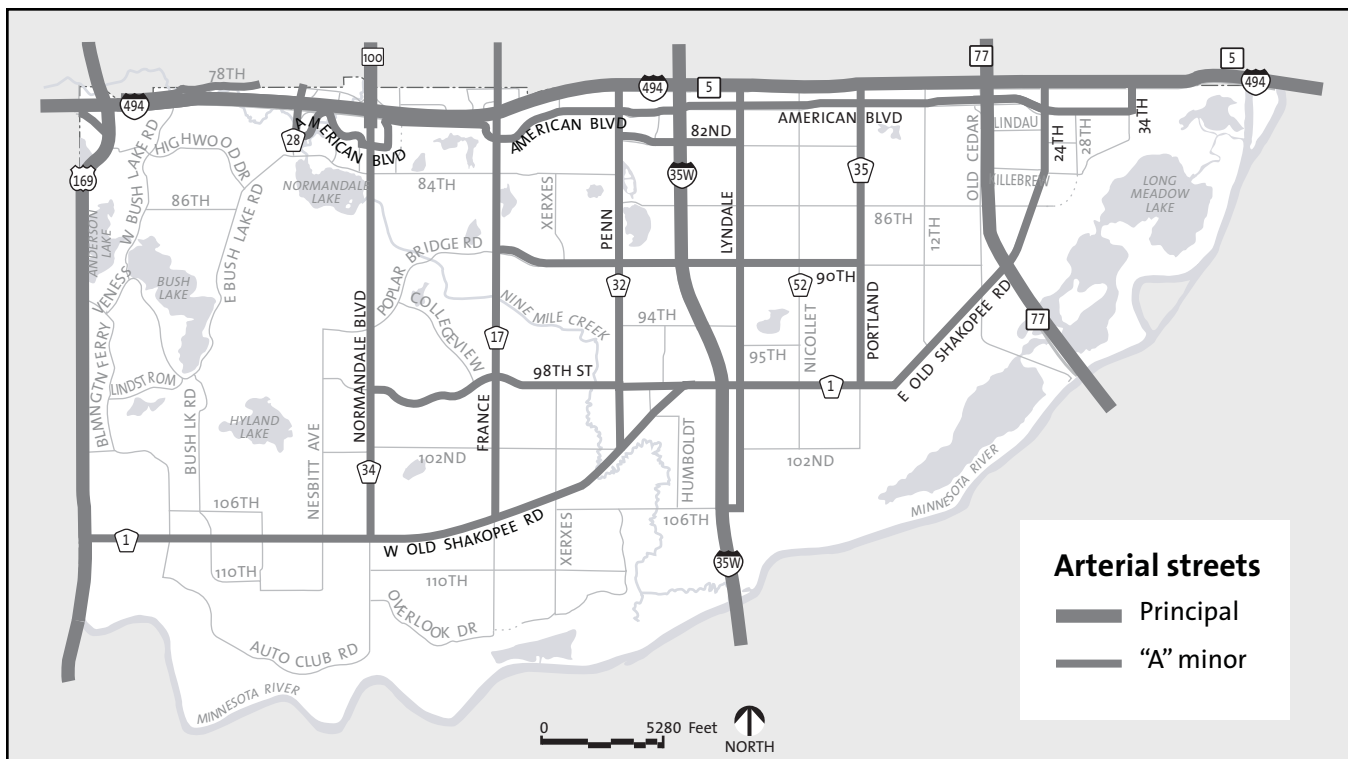
### Arbors and trellises

Regulations governing fences apply to arbors and trellises used in lieu of a fence or in combination with a fence, except that arbors and trellises used in lieu of a fence may also rise once to a maximum height of nine feet for a distance of six feet in length.

Arbors and trellises are permitted encroachments within required setback areas as provided in *City Code Section 19.08*.

### Walls

Regulations governing the height, location and opacity of fences apply to walls used in lieu of a fence or in combination with a fence.



## Terms and definitions

**Arbor.** An open shelter typically constructed of latticework or exposed boards that often provide partial shade or support for climbing plants.

**Arterial streets.** A roadway classification designated in the Bloomington Comprehensive plan. *See map.*

**Fence.** An artificially constructed barrier enclosing, separating or screening areas of land. A fence may serve as a boundary, a means of protection, a buffer, a decorative element, a way to visually modify the view and/or a confinement area.

**Floodplain.** The areas adjoining a watercourse, wetland, lake or water body that have been or may be covered by the regional flood. A floodplain includes the floodway and flood fringe areas.

**Floodway.** Any area designated as floodway on the *Flood Insurance Rate Map*. A floodway is the bed of a wetland or lake, the channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to care, store and discharge the regional flood.

**Flood fringe.** The portion of the floodplain outside the floodway.

**Trellis.** A frame of latticework used as a screen or as a support for climbing plants.

## Contacts

Building and Inspection	952-563-8930
Environmental Health (Complaints)	952-563-8934
Planning and Economic Development	952-563-8920
Public Works	952-563-4581





9915



Case File Number: PL2016-128

August 9, 2016

Applicant: Patrick Bigelow

Property Address: 9915 Portland Ave.

To Whom It May Concern,

I received the "Notice of Public Hearing" today and my wife and I are writing this letter in support of our neighbor, Pat Bigelow. Linda and I have lived in our house at 610 East 99<sup>th</sup> Street since 1980. Mr. Bigelow is a good neighbor and has done a great job in improving his property. We believe that the variances proposed will have a better overall look and we are in total support. Pat has demonstrated in the past his commitment to keeping his property looking good and we have all the confidence in him that this fence will be well kept and look aesthetically pleasing to our neighborhood.

Sincerely,

  
Ray Olchefeski

  
Linda Olchefeski



Originator  
Planning

Item

**Forward 2040 forecasts for population, households and employment**

Date  
8/25/2016

Description

## GENERAL INFORMATION

Applicant: City of Bloomington

Request: Study Item – Review the 2040 Population, Households and Employment Forecasts

## BACKGROUND

As part of the City's Comprehensive Plan update, the City is required to provide population, households and employment forecasts at the city level and transportation analysis zone (TAZ) level. These forecasts assist the Metropolitan Council in preparing regional traffic forecasts. The forecasts will be included in the Transportation Element of the Comprehensive Plan and will assist staff with drafting the Comprehensive Plan policies. The forecasts also assist staff with pipe sizing, road sizing, environmental review documents, and transit ridership.

Staff recently finalized the draft forecasts. The full TAZ level dataset is attached.

### Summary

	2016	2020	2030	2040
<b>Households</b>	37,634	38,585	40,873	42,511
<b>Population</b>	87,245	88,939	92,940	95,862
<b>Employment</b>	91,866	96,388	108,057	115,110

Staff will present an overview of the forecasts at the study meeting.

## STAFF CONTACT

Jason J Schmidt, Planner  
952-563-8922  
jschmidt@BloomingtonMN.gov

Requested Action

Informational only. Staff is looking for comments regarding the forecasts presented.

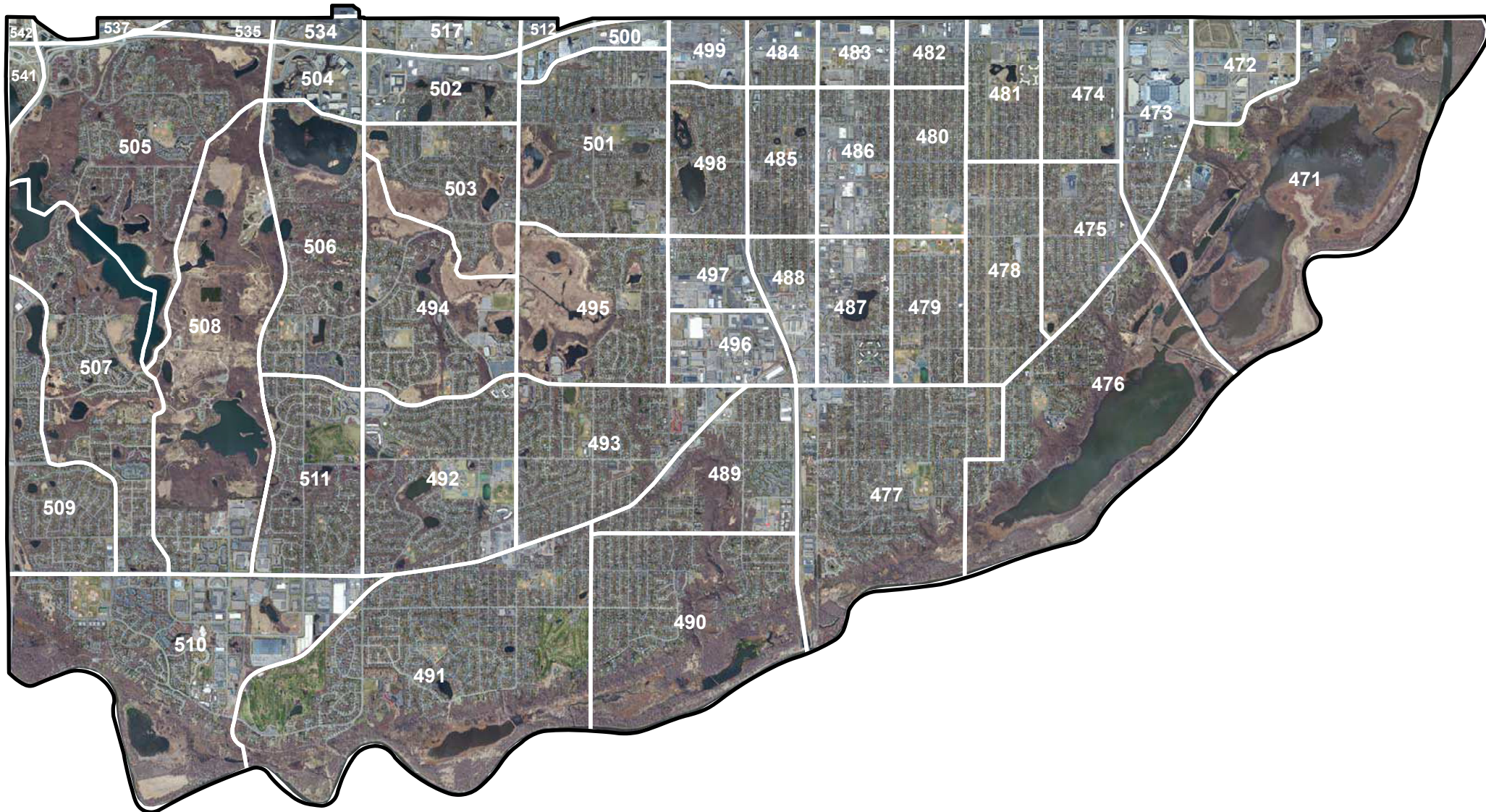
Attachments:

2040 Forecasts by TAZ  
Traffic Analysis Zones (TAZ) Map

TAZ	Housing Units				Households			
	2016	2020	2030	2040	2016 Households Adj.	2020	2030	2040
471 Total	147	147	397	743	145	145	385	716
472 Total	264	659	1,354	1,604	259	637	1,303	1,543
473 Total	722	842	842	842	707	822	822	822
474 Total	954	954	954	954	938	938	938	938
475 Total	1,119	1,119	1,119	1,219	1,102	1,102	1,102	1,198
476 Total	1,106	1,106	1,128	1,128	1,088	1,088	1,110	1,110
477 Total	2,487	2,496	2,551	2,701	2,452	2,461	2,514	2,657
478 Total	1,133	1,133	1,299	1,299	1,123	1,123	1,282	1,282
479 Total	825	825	825	825	814	814	814	814
480 Total	749	749	749	749	742	742	742	742
481 Total	869	869	869	869	856	856	856	856
482 Total	274	274	274	274	271	271	271	271
483 Total	60	60	60	60	60	60	60	60
484 Total	176	176	176	176	174	174	174	174
485 Total	899	899	949	949	887	887	935	935
486 Total	802	802	752	752	789	789	740	740
487 Total	1,168	1,168	1,168	1,168	1,144	1,144	1,144	1,144
488 Total	211	211	211	236	208	208	208	232
489 Total	1,557	1,557	1,567	1,567	1,530	1,530	1,540	1,540
490 Total	1,080	1,080	1,090	1,090	1,071	1,071	1,081	1,081
491 Total	2,384	2,396	2,476	2,496	2,357	2,369	2,446	2,465
492 Total	2,251	2,251	2,351	2,351	2,215	2,215	2,311	2,311
493 Total	1,801	1,808	2,008	2,048	1,776	1,782	1,974	2,013
494 Total	1,000	1,000	1,000	1,000	985	985	985	985
495 Total	595	595	595	595	590	590	590	590
496 Total	36	36	36	36	35	35	35	35
497 Total	221	221	221	221	218	218	218	218
498 Total	607	612	612	662	602	607	607	655
499 Total	212	462	612	912	207	447	590	878
500 Total	-	-	150	150	-	-	144	144
501 Total	1,713	1,713	1,713	1,769	1,694	1,694	1,694	1,748
502 Total	652	652	752	852	641	641	736	832
503 Total	1,029	1,029	1,029	1,029	1,015	1,015	1,015	1,015
504 Total	114	293	293	293	112	284	284	284
505 Total	1,692	1,692	1,692	1,692	1,669	1,669	1,669	1,669
506 Total	984	984	994	994	973	973	983	983
507 Total	1,706	1,706	1,706	1,726	1,679	1,679	1,679	1,698
508 Total	724	724	724	724	710	710	710	710
509 Total	1,203	1,203	1,203	1,203	1,192	1,192	1,192	1,192
510 Total	1,318	1,333	1,467	1,467	1,297	1,312	1,440	1,440
511 Total	1,292	1,292	1,572	1,572	1,274	1,274	1,519	1,519
512 Total	-	-	-	-	-	-	-	-
517 Total	-	-	-	250	-	-	-	240
534 Total	-	-	-	-	-	-	-	-
535 Total	-	-	-	-	-	-	-	-
537 Total	1	1	1	1	1	1	1	1
541 Total	31	31	31	31	31	31	31	31
542 Total	-	-	-	-	-	-	-	-
Grand Total	38,168	39,160	41,572	43,279	37,634	38,585	40,873	42,511
Decade Growth		992	2,412	1,707		951	2,288	1,637
Yearly Average		248	241	171		238	229	164
Thrive 2040						38,100	39,700	41,250
Decade Growth						466	1,600	1,550

TAZ	Population				Employment			
	2016 Population							
	Adj.	2020	2030	2040	2016 Employment	2020	2030	2040
471 Total	347	347	766	1,342	3,260	3,738	4,663	5,639
472 Total	507	1,169	2,334	2,753	6,265	6,380	12,527	13,517
473 Total	1,392	1,593	1,593	1,593	13,398	15,935	15,935	18,574
474 Total	2,044	2,044	2,044	2,044	1,927	1,969	2,094	2,094
475 Total	2,513	2,513	2,513	2,680	766	766	766	766
476 Total	2,400	2,400	2,455	2,455	258	258	258	258
477 Total	5,666	5,681	5,773	6,024	1,350	1,350	1,350	1,350
478 Total	2,891	2,891	3,169	3,169	127	127	127	127
479 Total	1,939	1,939	1,939	1,939	1,005	1,005	1,005	1,005
480 Total	1,927	1,927	1,927	1,927	577	577	577	577
481 Total	1,935	1,935	1,935	1,935	1,619	1,619	1,619	1,744
482 Total	693	693	693	693	600	600	600	890
483 Total	156	156	156	156	1,563	1,563	1,744	1,869
484 Total	419	419	419	419	1,114	1,370	1,455	1,455
485 Total	2,051	2,051	2,135	2,135	455	456	456	456
486 Total	1,738	1,738	1,613	1,613	2,453	2,479	2,529	2,529
487 Total	2,207	2,207	2,207	2,207	1,644	1,645	1,645	1,745
488 Total	490	490	490	532	1,477	1,550	1,780	2,557
489 Total	3,288	3,288	3,313	3,313	1,159	1,159	1,159	1,159
490 Total	2,814	2,814	2,839	2,839	84	84	84	84
491 Total	5,838	5,868	6,002	6,052	629	689	689	689
492 Total	4,912	4,912	5,079	5,079	2,693	2,695	2,695	2,695
493 Total	4,111	4,128	4,463	4,563	1,076	1,076	1,076	1,076
494 Total	2,230	2,230	2,230	2,230	1,577	1,577	1,577	1,577
495 Total	1,504	1,504	1,504	1,504	248	249	249	249
496 Total	64	64	64	64	1,998	2,049	2,049	2,049
497 Total	501	501	501	501	2,514	2,514	2,514	2,564
498 Total	1,560	1,572	1,572	1,656	363	363	363	140
499 Total	371	790	1,041	1,544	3,632	3,553	4,478	4,903
500 Total	-	-	251	251	6,651	6,651	6,771	6,771
501 Total	4,198	4,198	4,198	4,292	2,139	2,139	2,139	1,955
502 Total	1,362	1,362	1,530	1,697	3,027	3,027	3,162	3,437
503 Total	2,378	2,378	2,378	2,378	273	273	273	273
504 Total	255	555	555	555	8,610	8,675	9,516	9,516
505 Total	3,946	3,946	3,946	3,946	258	258	258	258
506 Total	2,443	2,443	2,468	2,468	256	256	256	256
507 Total	3,695	3,695	3,695	3,745	62	62	62	62
508 Total	1,430	1,430	1,430	1,430	374	607	607	607
509 Total	3,101	3,101	3,101	3,101	407	407	407	407
510 Total	2,897	2,935	3,159	3,159	3,412	3,412	3,487	3,562
511 Total	2,949	2,949	3,377	3,377	505	505	505	505
512 Total	-	-	-	-	925	925	1,090	1,090
517 Total	-	-	-	419	4,853	5,216	6,881	7,493
534 Total	-	-	-	-	1,768	1,768	1,768	1,768
535 Total	-	-	-	-	1,899	2,196	2,196	2,196
537 Total	3	3	3	3	186	186	186	186
541 Total	81	81	81	81	-	-	-	-
542 Total	-	-	-	-	430	430	430	430
Grand Total	87,245	88,939	92,940	95,862	91,866	96,388	108,057	115,110
Decade Growth		1,694	4,001	2,922		4,522	11,670	7,052
Yearly Average		424	400	292		1,131	1,167	705
Thrive 2040		86,100	89,400	93,300		98,700	104,300	109,700
Decade Growth		(1,145)	3,300	3,900		6,834	5,600	5,400

# Traffic Analysis Zones (TAZ)



Originator  
Planning

Item

**Progress update on Forward 2040 comprehensive plan update**

Date  
8/25/2016

Description

## GENERAL INFORMATION

Applicant: City of Bloomington

Request: Study Item – Progress update on Forward 2040 comprehensive plan update

## BACKGROUND

This spring, staff began the process of updating the City’s Comprehensive Plan, which we are calling “Forward 2040.” As required by State Statutes, local comprehensive plans must be updated every ten years to ensure consistency with the Metropolitan Council’s regional “system plans,” which are also updated every ten years following each decennial census.

The update process will occur over a roughly 3-year period. The update must be submitted to the Metropolitan Council by December 31, 2018. In 2016, the focus has been on soliciting input from across the community regarding what people value most about Bloomington and what challenges and opportunities should be addressed. Our outreach efforts to engage the community to date have included:

- **Three town hall meetings** – these were facilitated discussions around the over-arching topics of sustainability; diversity and engagement; and community assets. Over 140 people attended these meetings. A summary of input received at these meetings is included in Attachment A.
- **Creation of a project webpage** that serves as a repository of information on the Forward 2040 project and engagement opportunities. It also includes a rotating question that people can respond to regarding what they value about Bloomington. Responses to the rotating questions were transformed into graphic “wordles,” which are included in Attachment B.
- **Social media** was used to inform residents of meetings, the online survey, the rotating questions, and to apply to be a member of the advisory committee. Staff will continue to use social media to promote meetings and events and as a way to receive feedback from the community.
- **Creation of an online survey** to gather input on what people feel should be the City’s highest priorities to focus on over the next 20-years. To date, 224 people have taken the survey, which officially closes on August 19. A summary of survey responses will be handed out at the meeting on August 25.
- **Information displays and input opportunities** at various community events, including: Bloomington farmers market, Music in the Parks, Summer Fete, and activities at Creekside Community Center. Staff will attend additional events this fall, including: Heritage Days, a pop-up farmer market in the South Loop District, and a meeting held in Spanish at Assumption Church.

- ***Advisory Committee*** – To assist staff in drafting the policies and priorities for the comprehensive plan update, the City Council directed staff to engage a citizen advisory committee. Half of the committee representatives will consist of Bloomington residents and/or business owners and half will be representatives of existing City commissions and boards. On August 11, the Planning Commission appointed Tom Goodrum to serve on the committee. To date, we have received 50 applications for the general citizen positions. The deadline for submitting applications is August 19. In September, the City Council will review the applications and appoint seven individuals to serve as the resident/business representatives.

Staff will present an overview of the information described above at the study meeting.

Another area of focus this year has been on compiling baseline existing conditions and trend information relative to the various comprehensive plan elements (e.g., land use, utilities, transportation, parks, housing). An update on this information will be provided at a study session later this fall.

Staff has also updated the forecasts for 2040 population, households, and employment to be used in Forward 2040. This information is the subject of a separate item to be presented at the August 25 study session.

## STAFF CONTACT

Julie Farnham, Senior Planner  
952-563-84739  
jfarnham@BloomingtonMN.gov

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### Requested Action

Informational only. Staff is looking for comments and questions regarding the information presented.

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### Attachments:

Attachment A - Town Hall Summaries  
Attachment B - Draft Wordles



## Forward 2040 Town Hall Meetings – Summaries

### Introduction

Three town hall style public meetings were held to foster community discussion around three intentionally broad subjects: sustainability, diversity and engagement, and community amenities. The intent of these meetings was to provide an opportunity for community members to discuss what they believe are the most important issues relative to these subjects and share their ideas about how the City should address them over the next 20 years. Input received at these meetings will help inform the drafting of policies, strategies, and priorities in the Forward 2040 plan.

At the start of each town hall meeting, staff provided a brief overview of the comprehensive plan and the Forward 2040 update. An overview of key trends relative to the meeting subject was also provided. These are summarized below under the headings for each town hall meeting.

**Approach:** The town hall meetings were organized as facilitated discussions. At each meeting a question was posed specific to the meeting topic. Participants worked first individually, and then in groups, to suggest ideas to address the question. Ideas were shared and clustered into groups based on similarity. Clusters were then named and refined around clear action steps. The resulting list of actions and ideas were compiled into tabular form, shown on pp 5-15.



## Town Hall Meetings

### 1. Sustainability – June 22, 2016, 6:00-8:00 pm

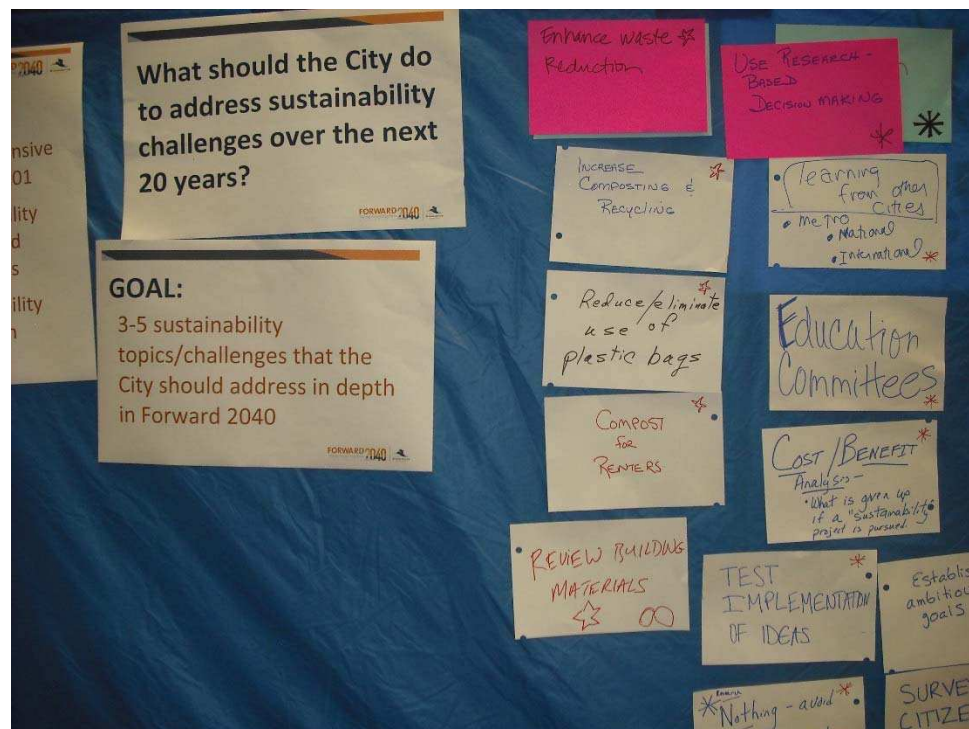
This meeting, held at Jefferson High School, was attended by approximately 54 people.

#### Key Trends:

- Climate change
  - Average temperatures are rising, which increase the likelihood of weather-related natural disasters.
- Water quality
  - Recent headlines have included the water contamination in Flint, MI and wells being closed in St. Anthony and New Brighton.
- Energy consumption
  - MN has the potential to produce 150 times as much electricity from solar power as the state consumes each year.
- Waste
  - As a growing population, we have a lot of stuff that we use for a short amount of time before tossing it into the landfill (example – consumer electronics/cell phones). What are some ways we can do more to use less, reuse and recycle?

A number of the major sustainability issues may be beyond or outside of the City's control; however, local strategies may still have an impact.

Suggested Actions: see pp. 5-8.





## 2. Diversity & Engagement – July 13, 2016, 6:00-8:00 pm

This meeting, held at Kennedy High School, was attended by over 60 people.

Key Trends (also see graphics on pp 16-18):

- Bloomington is a “fully-developed” suburb and experienced its largest population growth in the 1960s. Since 1970, the population has experienced limited growth, but the character of the population has changed significantly:
  - Increasingly diverse racially/ethnically – between 1970 and 2010 the City’s non-white population increased from 1% to 20%
  - Aging population – between 1970 and 2010 the City’s senior population (over age 65) increased from 3% to 18%
  - Household size has declined from 3.7 persons per household in 1970 to 2.3 persons per household in 2010.
- Socio-demographic changes varied between the east and west sides of Bloomington between 2000 and 2010:
  - West Bloomington has experienced a decline in population, while east Bloomington experienced some increases
  - West Bloomington residents are older than east Bloomington residents
  - Household sizes declined most in west Bloomington and increased in east Bloomington
  - East Bloomington has higher rates of poverty than west Bloomington
  - East Bloomington has more non-white residents than west Bloomington
  - There are more non-English speaking households in east than west Bloomington

Suggested Actions: see pp 9-13.



### **3. Community Amenities – July 20, 2016, 6:00-8:00 pm**

This meeting, held at Olson Middle School, was attended by about 30 people.

Key Trends (also see graphics on pp 19-20):

- Much of Bloomington's infrastructure and community facilities are over 35 and 45 years old.
- Many park facilities, fire stations, sewer and water pipes were constructed during the 1960s and 70s and will need to be replaced over the next 20 years.
- Bloomington's housing supply is also aging; however, private owners routinely upgrade.
- Bloomington contains a wealth of amenities that residents highly value, including: great parks and recreation programs, ample open space, and a growing network of bicycle and pedestrian trails.
- The City has long-standing partnerships with other agencies and service providers such as the School District, Hennepin County libraries, the US Fish & Wildlife Refuge, Three Rivers Parks District, Artistry, Historical Society, and others.

Suggested Actions: see pp 14-15



***What should the City do to address sustainability challenges  
over the next 20 years?***

Enhance Waste Reduction	Use Research Based Decision Making	Maximize Citizen Involvement	Improve Mobility Options
<ul style="list-style-type: none"><li>• Increase composting &amp; recycling</li><li>• Reduce/eliminate plastic bag use</li><li>• Compost for renters</li><li>• Review building materials</li></ul>	<ul style="list-style-type: none"><li>• Learn from other cities, nationally and internationally</li><li>• Education Committees</li><li>• Cost benefit analysis (what is given up if a sustainability project is pursued?)</li><li>• Test implementation of ideas</li><li>• Do nothing (avoid intrusion into citizens lives)</li></ul>	<ul style="list-style-type: none"><li>• Citizen involvement and buy in</li><li>• Advisory committees</li><li>• Enhance meaningful rather and menial volunteer opportunities</li><li>• Include young people</li><li>• Schools emphasizing environmental and dual languages</li><li>• Establish ambitious goals</li><li>• Survey citizens and businesses</li></ul>	<ul style="list-style-type: none"><li>• Mobility</li><li>• Multi-modal transportation (include shaded walk)</li><li>• Adequate public transportation</li><li>• Reduce need for cars</li><li>• Traffic congestion</li><li>• More bike friendly roads</li><li>• Bike path expansion</li><li>• Traffic circles</li><li>• City-wide fiber optic (telecommuting)</li><li>• Improve local roads</li></ul>

## ***What should the City do to address sustainability challenges over the next 20 years?***

### **Broaden Community Development**

- Walkable mixed use development
- Aging population housing options
- Food support (lower barriers for chicken coops, \$ for school gardens)
- \$ for sustainable improvements to homes
- More City built raingardens for run off
- Diversify tax base
- New intergenerational community center with the YMCA

### **Revisit City Services**

- Make code more flexible
- Resilience (power, heat flood, energy planning)
- Maintenance and preservation of aging infrastructure
- Sustainable building codes
- Maintenance and upgrades of open spaces and water management systems
- Include all ideas to be for all business, government, renters, residential, non-profits, and large residential complexes
- Services

### **Protect Natural Resources**

- Integrated with state, county, city US Fish and Wildlife
- Sell fruit and resin trees
- Water conservation quality
- Implement wild/native lawns
- Pesticides
- Maintain water quality
- Advocate / prioritize policies to protect water source quality
- Reimbursement for rain barrel purchase
- Keep MN Valley trail natural
- Salt training for maintenance
- Low flow toilets reimbursed for residential, mandated commercially
- Landscaper training (no green in streets)
- Clean up polluted lands

### **Improve Energy Management**

- Energy action plan (smart grid) (partners in energy with Excel)
- Convert city/public building to renewable energy
- Shared solar gardens
- Solar tech for renters
- Alternative energy choices

## ***What should the City do to address sustainability challenges over the next 20 years?***

### **Provide a Range of Sustainable Transportation Options**

- Trails/bike trails – traffic calming
- Improve transportation option
- More transportation options
- Promote Biz WFH

### **Conserve our Natural Resources**

- Drinking water
- Surface water
- Preserve nature
- More pollinator friendly gardens/native plants
- Increase recycling rates
- Promote rain gardens
- Water conservation and quality

### **Reduce Waste**

- Composting
- Decrease Food Waste
- Reduce water usage
- Eliminate plastic bag usage

### **Provide a Range of Diverse Housing Options**

- Affordable housing
- Keep Bloomington as an affordable place for current residents to live
- Ensure housing mix matches projected employment opportunities and vice-versa

### **Frameworks**

- Dashboard for transparency
- Join Green step cities
- Appoint sustainability commission
- Create neighborhood identities
- Work together with neighboring cities
- Climate action plan
- Benchmark city utility usage
- Renew initiative program to track gas / carbon emissions

***What should the City do to address sustainability challenges  
over the next 20 years?***

Environmental Friendly & Functional Infrastructure	Act of 1871?	Range of Job Opportunities	Reduce Economic Disparities
<ul style="list-style-type: none"><li>• Promote LEED certified building development</li><li>• Zero emission city services</li><li>• City contract with Ten K Solar for community solar</li><li>• Replacing aging infrastructure</li><li>• Green energy expansion</li><li>• Infrastructure / energy</li><li>• Solar roadways</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>	<ul style="list-style-type: none"><li>• Continue what we have?</li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

***What should the City welcome, support, and engage  
 our changing population over the next 20 years?***

<b>Increase Civic Engagement</b>	<b>Refocus to meet Educational Needs of Everyone</b>	<b>Recruit in Diverse Areas to Improve Staffing</b>	<b>Design Intentional Community Events</b>	<b>Improve Communication</b>	<b>Build A Community Center</b>
<ul style="list-style-type: none"> <li>Engage Voters</li> </ul>	<ul style="list-style-type: none"> <li>Education</li> <li>ESL Groups</li> <li>Professional Role Models for High School Students (similar background / culture)</li> <li>Diversity Training in Schools</li> <li>Summer/After School Programs for 13-16 year-olds</li> <li>Strengthen Pre-K</li> </ul>	<ul style="list-style-type: none"> <li>Diversity among Elected, Teachers, Leaders</li> <li>Intentional Diversity of City Staff and Officials</li> <li>Diverse Workforce (Government)</li> </ul>	<ul style="list-style-type: none"> <li>Diverse Community Events (Culture)</li> <li>Events for a Diverse Population</li> <li>Community Forums on Issues of Similarities rather than Differences</li> <li>Listen, Learn, Engage to Create Improved Community Relationships</li> </ul>	<ul style="list-style-type: none"> <li>Social Media</li> <li>Provide Resources (parks, public health, community events in different languages, job opportunity, etc.)</li> <li>Communication Information Improvements</li> <li>Getting the Word Out</li> </ul>	<ul style="list-style-type: none"> <li>Central Community Attraction</li> <li>Intergeneration al Y and Community Center</li> </ul>



***What should the City welcome, support, and engage  
 our changing population over the next 20 years?***

Improve Local Transportation	Provide Wide Variety/Range of Housing	Improve Community Police Relationships	Create More Robust Community Collaboration	Broaden/Enhance Employment Opportunities	Strengthen Neighborhoods
<ul style="list-style-type: none"> <li>• Mobility, accessibility, bike lanes</li> <li>• Transportation options</li> <li>• Improve pedestrian safety and amenities</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable housing (West Side)</li> <li>• Housing options for aging in place</li> <li>• Adjust zoning and promote affordable home ownership</li> </ul>	<ul style="list-style-type: none"> <li>• Build trust with police and judicial</li> <li>• Education to police of diverse populations</li> <li>• Strengthen safety net (domestic violence, poverty, homelessness, trafficking)</li> <li>• Representation</li> <li>• Cultural competency training</li> </ul>	<ul style="list-style-type: none"> <li>• Easier access to public facilities for recreational activities</li> <li>• Formalized regular meetings between school district and City government regarding synergies</li> <li>• Enhance/ increase City and School District involvement / services that ensure inclusive diversity (particularly in recreation / out of school</li> </ul>	<ul style="list-style-type: none"> <li>• Increase minimum wage</li> </ul>	<ul style="list-style-type: none"> <li>• Park improvements</li> <li>• Neighborhood meeting</li> <li>• Belonging</li> <li>• Increase neighborhood volunteer projects</li> <li>• Neighborhood – led gathering spaces</li> <li>• Reach out to new people in your community</li> <li>• Welcome Wagon</li> <li>• Commercial (re)-development along southern corridor</li> <li>• Organize identifiable neighborhoods</li> </ul>



***What should the City welcome, support, and engage  
 our changing population over the next 20 years?***

Provide World Class Education System	Build Inclusive Programs	Provide Clear Accessible Communication	Expand Intercultural Communications	Encourage Flexible Affordable Housing
<ul style="list-style-type: none"> <li>• Kids in Class (Not Kicked Out)</li> <li>• Homeless youth</li> <li>• World class education system – inclusive</li> </ul>	<ul style="list-style-type: none"> <li>• Age in place (communication, services)</li> <li>• BAA (sports, soccer)</li> <li>• Healthcare facilities for aging population</li> <li>• Awareness of DO program</li> <li>• Two-way cultural training</li> <li>• City orientation every month</li> <li>• Provide cultural orientation</li> <li>• Oldest and youngest populations</li> </ul>	<ul style="list-style-type: none"> <li>• Survey the people often (every 6 months)– (open ended, not scripted)</li> <li>• Better information sharing</li> <li>• Free City internet and homepage – City site</li> <li>• Enhance web and social media resources</li> </ul>	<ul style="list-style-type: none"> <li>• Translated websites</li> <li>• We Care message (multi-lingual)</li> <li>• Multiple languages in all City communications</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable welcoming housing</li> <li>• Culturally appropriate housing</li> <li>• Affordable housing and transportation with no sudden (rent) increases</li> <li>• Avoid huge housing complexes</li> </ul>

***What should the City welcome, support, and engage  
our changing population over the next 20 years?***

**Create More Flexible  
Infrastructure**

- Pedestrian Friendly Paths (sidewalks, handicapped motorized vehicles)
- Improve Park Shelters
- Transportation for Older/III

**Provide Community  
Resources**

- Volunteer Hub
- Resource Lists
- Welcome Centers

**Improve Police and  
Community Interactions**

- Disengage Bloomington Police from ICE
- Personal Relations need to be Encouraged
- Kids and Police Early Engagement

**Support and Engage  
Newcomers**

- ESL Classes for Adults in English
- Cultural Liaison Program
- Diversity Education

**Develop Neighborhood  
Identity**

- Develop More Local / Neighborhood Resource Identity
- Local Park Activities

***What should the City welcome, support, and engage  
our changing population over the next 20 years?***

Develop One or More Multi-use Community Centers	Events	Family Park Activities
<ul style="list-style-type: none"><li>• Meeting spaces</li><li>• Locations available for activity</li><li>• Community Center<ul style="list-style-type: none"><li>○ Multi-generational</li></ul></li></ul>	<ul style="list-style-type: none"><li>• City-wide events (National Night Out, Heritage Days)</li><li>• Cultural festivities</li><li>• City events</li></ul>	<ul style="list-style-type: none"><li>• Green spaces</li><li>• Affordable/accessible programs in parks</li><li>• Encourage more youth participation in summer activities</li></ul>

***What amenities and services do stakeholders want to see the City  
invest in and maintain into the future?***

Build a Community Center	Beautify the City	Enjoy the River Valley	Promote Community Building	Improve Parks
<ul style="list-style-type: none"><li>• Modern Community Center</li><li>• Community Centers</li><li>• Teen Center</li></ul>	<ul style="list-style-type: none"><li>• Attention to Aesthetics</li><li>• Flower Parks</li><li>• Expand Art Resources</li></ul>	<ul style="list-style-type: none"><li>• Scenic Overlooks into MN River Valley</li><li>• MN River Access</li></ul>	<ul style="list-style-type: none"><li>• Neighborhood Identification</li><li>• Community Activities (Seniors, Kids, Farmers Market)</li><li>• Promote Community Buildings</li><li>• Neighborhood Input (local voice, representation, alderman style, local input in planning, zone and coding, community needs, neighborhood stewardship, reconnect neighbors)</li></ul>	<ul style="list-style-type: none"><li>• Update/Add Playground Equipment</li><li>• Maintain Parks</li><li>• Improved Moir/Central Park</li><li>• Revitalize Moir Park</li><li>• Parks</li><li>• Green Space/Parks</li></ul>

***What amenities and services do stakeholders want to see the City  
invest in and maintain into the future?***

**Become Local Business  
Friendly**

- Small Business Friendly
- Restaurants not franchises
- Foster Family Businesses
- New Employers (with jobs that pay more than the minimum wage)

**Practice Stewardship**

- Water
- Preserve what we have
- Historic Resources
- Invest in City Buildings
- Preserve / Promote Green Space
- Build on Existing Assets

**Foster Commercial  
Revitalization**

- Revitalized Neighborhood Nodes
- Update Old Cedar & Old Shakopee Area

**Update  
Infrastructure**

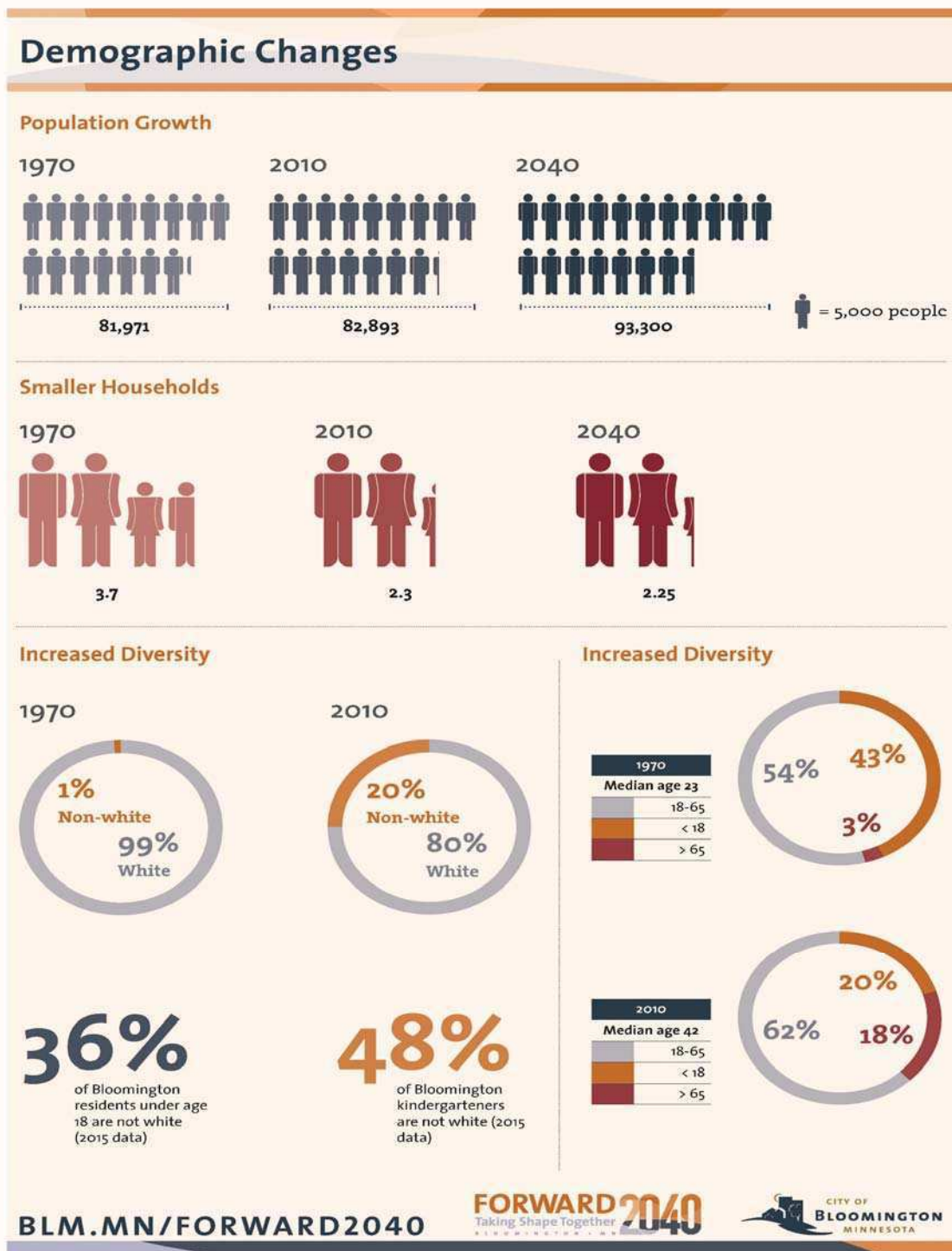
- Traffic Management
- Street Infrastructure
- Update Sewer and Water
- Public Wi-Fi

**Increase  
Walkability &  
Bikeability**

- “Walkable” City
- Safe Biking Corridors
- Improved Bicycling Network
- Trails
- Improved Trail System
- Walkable Events/Shoppes
- Walkable Neighborhoods

## Demographic Trends – Town Hall #2

Bloomington has changed significantly since 1970. While overall population growth has remained relatively stable, the City's population has become increasingly diverse and older.



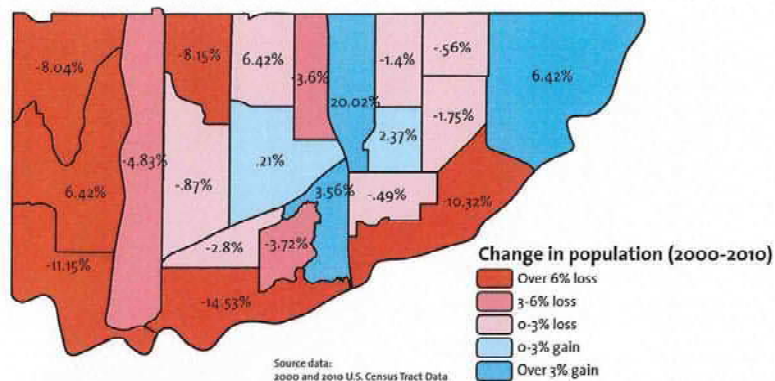


## Demographic Trends – Town Hall #2

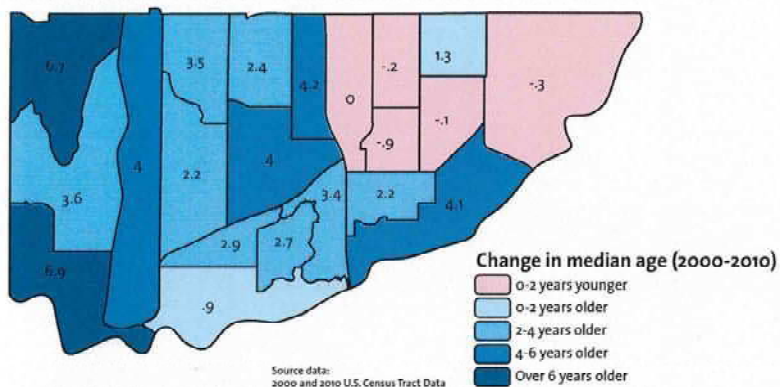
Demographic changes vary between east and west Bloomington.

### Context of Change

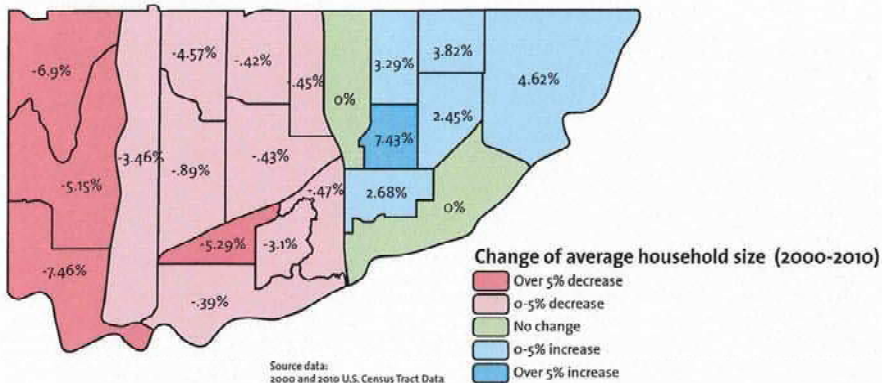
#### Population



#### Median Age



#### Average Household Size

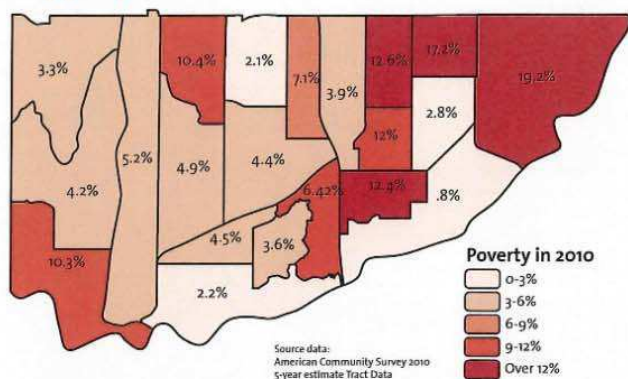


## Demographic Trends – Town Hall #2

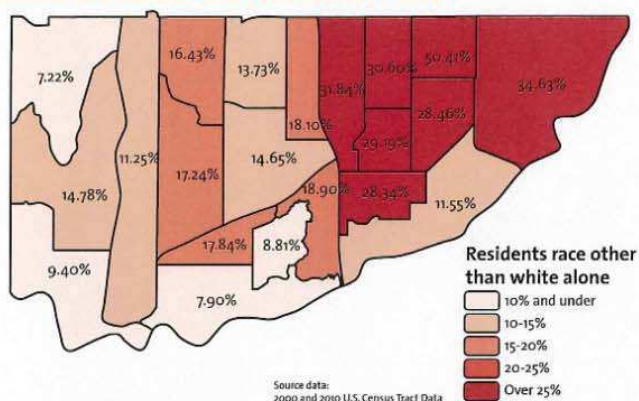
Demographic characteristics are different between the east and west sides of Bloomington.

### Context of Change

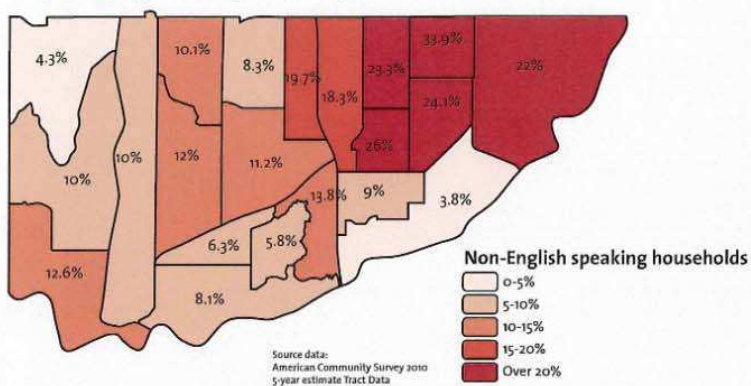
#### Poverty (2010)



#### Residents Race other than White Alone (2010)



#### Primary Language not English (2010)



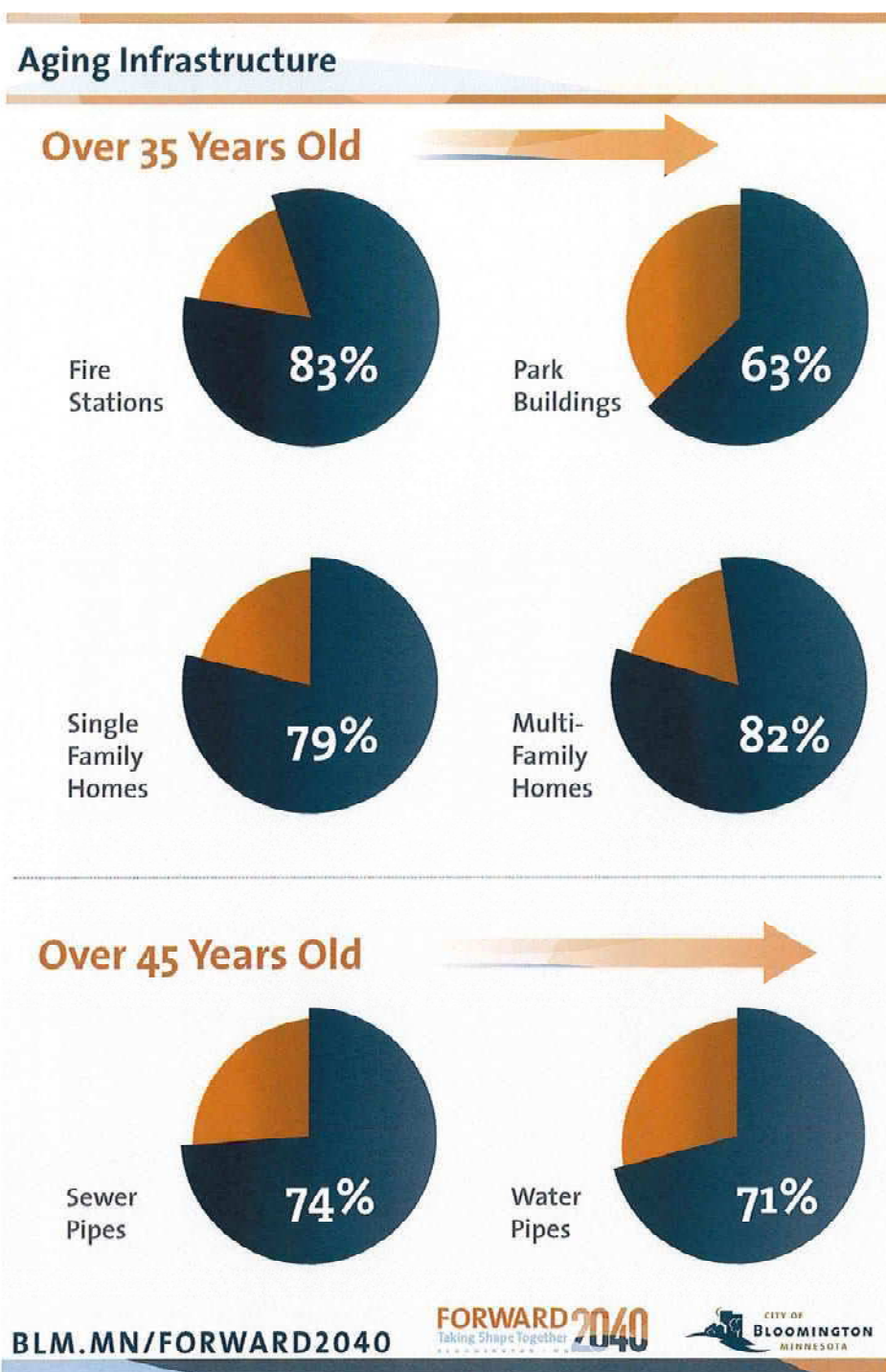
BLM.MN/FORWARD2040

**FORWARD2040**  
Taking Shape Together  
BLOOMINGTON, MINNESOTA

**CITY OF BLOOMINGTON**  
MINNESOTA

### Aging Infrastructure – Town Hall #3

Much of Bloomington's public infrastructure (roads, sewers, parks, fire stations) and housing were built to accommodate the City's rapid growth during the 1960s and 70s. Roads are routinely upgraded through the City's Pavement Management System and private homes are continually renovated by their owners. However, other public infrastructure will be nearing the end of its serviceable life over the next decade or two. These public facilities are critical to the quality of life in Bloomington and upgrades and replacement must be done in a strategic manner.



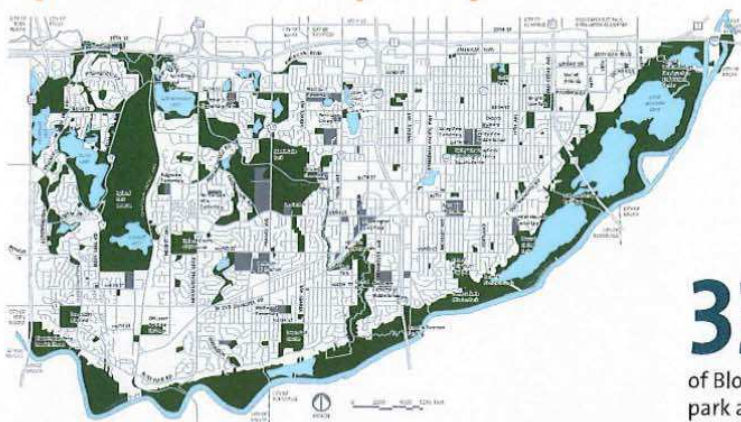


## Community Assets – Town Hall #3

Bloomington enjoys a wealth of amenities that residents and visitors highly value. These include physical amenities like great parks, trails, and ample open space; cultural assets; and strong partnerships with a variety of community organizations, institutions, and service providers, such as the School District, Hennepin County library system, and others.

### Assets

#### Ample Parks and Open Space



**33%**  
of Bloomington is  
park and open space

#### Growing Bicycle/Pedestrian Network

**50+**  
miles of off-road  
trails

**60+**  
miles of on-road  
bike lanes and  
shoulders



#### Community Partners



Schools



Libraries



**Three Rivers**  
PARK DISTRICT

[BLM.MN/FORWARD2040](http://BLM.MN/FORWARD2040)

**FORWARD 2040**  
Taking Shape Together  
BLOOMINGTON • MINNESOTA

**CITY OF BLOOMINGTON**  
MINNESOTA

When you visit other communities, have you found something that made you say,  
"We need that in Bloomington?" If so, what was it?



In 20 years, how do you hope residents describe Bloomington? Friendly? Healthy?





Where do you like to take out-of-town visitors in Bloomington?



Originator  
Planning

Item  
**Overview of the update to the South Loop District AUAR**

Date  
8/25/2016

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Description

In 2002, the City adopted an Alternative Urban Areawide Review (AUAR) for the South Loop District. An AUAR is a substitute form of environmental assessment that considers the cumulative impacts of anticipated future development in a defined area. Because the AUAR studies the cumulative environmental impacts of multiple development proposals, individual Environmental Assessment Worksheets (EAW) or Environmental Impact Statements (EIS) are not required to be prepared for development proposals covered by the AUAR. While this helps streamline the review of future development projects, it also provides for a more coordinated and comprehensive review of the impacts of overall development in the context of a larger area, rather than simply reviewing impacts related to development on a single site.

The AUAR process is regulated under Minnesota Rules Chapter 4410.3610, Subpart 1. These rules prescribe the information required in the environmental review and the official review process, which includes review by a number of State and regional agencies as well as all adjacent municipalities. To remain effective, the AUAR must be updated every five years or if development or infrastructure projects are proposed that were not anticipated in the original AUAR.

The South Loop AUAR was updated in 2009 and 2012. Both of these updates were minor, as relatively little of the development projected in 2002 had occurred, in part due to the recession. However, several infrastructure projects were implemented, such as the extension of Lindau Lane east of 24<sup>th</sup> Avenue. The previous interim updates incorporated these types of unforeseen projects.

The current update is intended to be more comprehensive and will incorporate the findings from updates to the South Loop District traffic study and sewer and water utility models. It also identifies several new sites assumed to redevelop by 2040 that were not anticipated in 2002. For example, the five “Alpha” office/warehouse parcels acquired by the City/Port Authority in 2010 were not anticipated to redevelop in the 2002 AUAR. In addition, due to shifts in the economy and development markets, the overall amount of development assumed by 2040 is less than originally assumed in the 2002 AUAR. As such, the 2002 AUAR development scenario remains the “worst case” scenario for many of the environmental impacts assessed in the AUAR.

At the study session, staff will provide an overview of the AUAR update and review schedule.

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Requested Action

Informational only. The Planning Commission is not required to make a formal recommendation on the AUAR. This update is intended to provide Planning Commissioners an opportunity to comment and ask questions about the AUAR and the update process.

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Attachments:

Originator  
Community Development

Item  
**Draft Planning Commission meeting synopses of 08/04/16 and 08/11/16**

Date  
8/25/2016

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Description

Consider approval of draft 8/4/16 and draft 8/11/16 Planning Commission meeting synopses.

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Requested Action

I move to approve the draft 8/4/16 Planning Commission meeting synopsis as presented,  
I move to approve the draft 8/11/16 Planning Commission meeting synopsis as presented.

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Attachments:

Draft Planning Commission meeting synopsis of 08/04/16  
Draft Planning Commission meeting synopsis of 08/11/16



# PLANNING COMMISSION SYNOPSIS

Thursday, August 4<sup>th</sup>, 2016

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**CALL TO ORDER**

Vice Chairperson Spiess called the Planning Commission meeting to order at 6:00 PM in the City Council Chambers of the Bloomington Civic Plaza.

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**COMMISSIONERS PRESENT:** Spiess, Batterson, Bennett, Goodrum, Solberg, Snyder, Swanson

**COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Markegard, Centinario, O'Day

Vice Chairperson Spiess led the attendees in the reciting of *The Pledge of Allegiance*.

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**ITEM 1**

6:01 p.m.

**CASE:** PL2016-120

**APPLICANT:** Kimley Horn

**LOCATION:** 8100 24<sup>th</sup> Avenue South

**REQUEST:** Major revision to Final Development Plan for the renovation of the Metro Transit Mall of America Transit Station

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**SPEAKING FOR THE APPLICANT:**

Mary Springer, 3751 Harriet Avenue, Minneapolis, MN 55409

Pat Jones, 500 6<sup>th</sup> Avenue N, Minneapolis, MN 55411

**PUBLIC HEARING DISCUSSION:**

Centinario provided the location and noted surrounding uses of the transit station. The proposed modifications include replacing and reorienting the existing transit station that will include transit space, police substation, break and storage area, future retail space, and public restrooms. There would be a direct connection from 24<sup>th</sup> Avenue to Level 1. He displayed photos of the existing station showing pedestrian challenges, and conflicts between buses and delivery vehicles. The landscape plan would remove 20 existing trees to be replaced with 28 new trees plus new shrubs. The proposed interior building materials include terrazzo. The proposed floor plan shows bike racks, break rooms, light rail transit tracks and escalators. The minimum drive lane for 90 degree parking is 24 feet. They will need a one or two foot deviation for drive aisle width for one portion of their employee parking area. They will be adding three stalls but will need a one or two foot deviation to make it work. Staff sees the need for a future pedestrian bridge over 24<sup>th</sup> Avenue to the adjoining lands for future development and asked for a conceptual design to make sure the station plans did not precludes such as grade separated crossing. There will be placemaking elements outside the station.

Mary Springer said one intent of the proposal is to improve safety. There will be enhanced lighting and improved sightlines for pedestrians and vehicles. The exterior building materials are

not proposed at this time. They included a conceptual pedestrian bridge location in their proposal. The project schedule includes bidding documents in September 2016 with construction to be completed by January 2017. The project budget is \$25 million.

Pat Jones said the Mall of America Transit Station draws 2.7 million riders annually. The station is in need of a major face lift and improved safety measures. Metro Transit has strong partnerships with the City and the Mall of America. In 2006, transit police operations at the Mall and Bloomington Police Department operations were combined. He thanked staff for their work on the transit station.

Goodrum asked about the proposed bike stalls. How do the bikes circulate through the station?

Centinario stated the sidewalk along 24<sup>th</sup> Avenue will be widened to 10 feet. There will be an open terrace area to access the bike racks station from the sidewalk.

Goodrum asked about signage for bike racks.

Centinario stated signage is not yet designed at this point but is a good consideration.

Solberg asked for clarification about the surcharge of the storm sewer.

Tom Bowlin stated it is a rare internal issue not related to the City system.

Centinario said the City has not experienced that issue before. The systems in place are more than adequate.

The public hearing was closed via a motion.

#### **ACTIONS OF THE COMMISSION:**

**M/Bennett, S/Goodrum:** To close the public hearing. Motion carried 7-0.

**M/Bennett, S/Solberg:** In Case PL2016-120, having been able to make the required findings, I move to recommend City Council approval of a major revision to the Final Development Plan for the renovation of the Metro Transit Mall of America Transit Station at 8100 24<sup>th</sup> Avenue South, subject to the conditions and Code requirements attached to the staff report.  
Motion carried 7-0.

#### **RECOMMENDED CONDITIONS OF APPROVAL:**

The following conditions are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all other applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

- |    |                 |   |
|----|-----------------|---|
| 1. | Prior to Permit | Provide copies of revised and recorded joint access, transit, and MOA Transit Center easement agreements. |
| 2. | Prior to Permit | The applicant must identify potential locations for South Loop District                                   |

- placemaking elements.
3. Prior to Permit The Grading, Drainage, Utility, and Erosion Control plans must be approved by the City Engineer.
  4. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
  5. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
  6. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
  7. Prior to Permit Signs must be in conformance with the requirements of Chapter 19, Article X of the City Code and the Mall of America master sign plan, as amended. No signage is approved through the final development plan.
  8. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
  9. Prior to Permit Storm Water Management Plan must be provided that demonstrates compliance with the City's Comprehensive Surface Water Management Plan. A maintenance plan must be signed by the property owners and must be filed of record with Hennepin County.
  10. Prior to Permit A Construction Management Plan, including construction phasing and staging, must be submitted for review and approval by the City.
  11. Ongoing All construction stockpiling, staging, and parking must take place on-site and off adjacent public streets and public rights-of-way.
  12. Ongoing Alterations to utilities must be at the developer's expense.
  13. Ongoing Development must comply with the Minnesota State Accessibility Code (Chapter 1341).
  14. Ongoing Transit station design must not preclude the implementation of a pedestrian bridge between the transit station and MOA Phase III, located east of 24th Avenue South and East 82nd Street.



**ITEM 2**  
6:19 p.m.

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<b>CASE:</b>	PL2016-123
<b>APPLICANT:</b>	City of Bloomington
<b>LOCATION:</b>	NA
<b>REQUEST:</b>	An ordinance opting out of the requirements of Minnesota Statutes Section 462.3593, which defines and regulates temporary family health care dwellings, and establishing standards and approval processes for public and public utility buildings in the BP-1 and BP-2 Overlay Zoning Districts, thereby amending Chapter 21 of the City Code

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**PUBLIC HEARING DISCUSSION:**

Markegard noted the ordinance includes amendments on two separate issues. The first issue relates to the Bluff Protection Overlay Districts. Historically there was a standard that prohibited development below the 760 foot elevation within the Bluff Protection Overlay District. The City Council amended the standard recently to allow public and public utility structures within the area. He showed photos of typical public utility structures. The Council requested staff to compile standards for such public and public utility structures. The proposed standards include building size, retaining wall/terracing, screening, design/color and impacts to the bluff character/integrity. The approval process would be through a conditional use permit with final decision at the City Council.

Markegard said the second ordinance issue involves temporary family health care dwellings. Temporary family health care dwellings are portable dwellings, 300 sq. ft. or less that are typically placed within a residential yard. The Minnesota Legislature passed a bill that mandated cities to allow these structures for mentally or physically impaired individuals at the home of the family or caretaker. Based on significant concerns from cities, counties and the League of Minnesota Cities, the Legislature included a provision to allow cities to opt out of the standards. Bloomington has several concerns including safety, community character, the impaired being better served in a permanent setting, and loss of local control. Markegard said the Fire Department had concerns combining the low fire standards of portable structures with the low mobility of many impaired individuals. There are also safety concerns related to extension cords, freezing water service lines and freezing sewer systems. There are alternatives to a temporary family health care dwelling for impaired individuals including allowing the health care dwelling within the existing home, as an addition to existing homes, within permanent accessory dwelling units or within care facilities. He provided a list of many Minnesota cities that are considering opting out of the requirements but noted the list is incomplete as it was compiled based on a quick internet search. There may be many more cities also considering opting out. Staff has received two items of correspondence on the ordinance, both in favor of opting out.

Batterson asked about the retaining wall standard for public utility structures.

Markegard said the retaining wall must be no more than four feet in height plus there are standards on tiering terraces.

Snyder stated the Minnesota Legislature responded to the need for a temporary family health care dwelling. She suggested looking at health care facilities for those who may utilize the temporary family health care dwelling.

Markegard stated there is also a limit of one four foot retaining wall, so terracing is prohibited.

Solberg asked about the genesis for the temporary family health care dwelling mandate.

Markegard said he does not have details but understands the manufacturer of the dwellings was very involved in supporting the bill as were a family that wanted one in Apple Valley.

The public hearing was closed via a motion.

Batterson stated such dwellings would negatively affect the neighborhood and property values. He believed the mandate was an overreach by the State. He is in favor of opting out of the standards.

#### **ACTIONS OF THE COMMISSION:**

**M/Batterson, S/Snyder:** To close the public hearing. Motion carried 7-0.

**M/Batterson, S/Bennett:** In Case PL2016-123, I move to recommend approval of a City Code amendment to add performance standards and modify the approval process for structures in the BP-1 and BP-2 Overlay Districts and to opt out of the State legislation allowing temporary health care dwellings.  
Motion carried 7-0.

**ITEM 3**  
6:34 p.m.

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<b>CASE:</b>	PL2016-108
<b>APPLICANT:</b>	Toro Companies
<b>LOCATION:</b>	351 American Blvd. W., 8001, 8011, and 8015 Grand Avenue
<b>REQUEST:</b>	South Rezoning several parcels from R-1 to I-3(PD) and 351 American Blvd. W. from I-3 to I-3(PD), Preliminary and Final Plat, and Major Revision to the Preliminary and Final Development Plan for the Toro Corporate campus planned development

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**SPEAKING FOR THE APPLICANT:**

Emily Peaskamp, 8111 Lyndale Avenue S, Bloomington, MN 55410

**PUBLIC HEARING DISCUSSION:**

Centinario summarized the proposal, which includes rezoning, combining parcels, and amending the preliminary development plan and final development plan. He presented an image showing properties owned by Toro Companies. Some Toro owned parcels are zoned single family residential and are proposed to be rezoned to I-3(PD). The Preliminary and Final Plat would combine all properties into one lot. The major revision to the Preliminary Development Plan (PDP) establishes the corporate campus plan and involves site improvements. The Final Development Plan (FDP) would convert an existing warehouse building to office and construct an 82 stall parking lot. Also proposed is a proof of parking location adjustment due to the parking lot expansion, vacation of 80<sup>th</sup> Street and a right-of-way agreement to use Pleasant Avenue. The majority of the Toro campus is zoned I-3 and is part of the planned development. Toro is seeking to rezone the single family parcels to I-3 and incorporate them into the Planned Development Overlay District. In 2013, Toro completed a building and parking lot expansion. The parking lot would be expanded and an existing proof of parking agreement would be revised. He showed an image of previous buildings that have been renovated. The Final Development Plan includes renovation of a building along American Blvd and parking lot expansion. The landscape plan shows Code compliant landscaping on the site and between the building and American Blvd. The modified building materials would be translucent panels and glass. Other than replacing windows and recladding the building, the north elevation's appearance would not change dramatically. There are 1,591 proposed parking stalls with 1,577 stalls required.

Solberg asked about enforcement on this property.

Centinario said the enforcement action related to storage and has been resolved.

Goodrum asked about the location of the proposed six foot fence for storage.

Centinario noted the City has approved a right-of-way use agreement for use of Pleasant Avenue. The fence would surround the storage area.

Goodrum asked about surrounding uses and the type of equipment in the storage area.

Centinario said there is a railroad to the east of the Toro site. Industrial land uses are east of the rail corridor. The storage area would be used to store Toro's products and he believed most of the equipment to be under six feet tall.

Emily Peaskamp thanked staff. The proposal will improve the overall Toro plan.

Goodrum asked what type of equipment will be stored in the storage area.

Peaskamp said the majority of the equipment would be under the fence height.

Goodrum stated it is important to be following the Code for storage.

The public hearing was closed via a motion.

Batterson appreciated the look of the Toro campus and is happy to see it continuously improve. He applauded staff for working with local businesses.

Swanson agreed. He asked if there is a long term plan to convert the parking lot at American Blvd and Lyndale Avenue to a building to better anchor the corner.

Centinario said Toro is not proposing to build out the corner. The evolution of the campus stemmed from the existing buildings near E 82<sup>nd</sup> Street. The PDP does not propose to build on the corner out at this time.

## **ACTIONS OF THE COMMISSION:**

**M/Bennett, S/Swanson:** To close the public hearing. Motion carried 7-0.

**M/Batterson, S/Solberg:** In Case PL2016-108, having been able to make the required findings, I move to recommend City Council adopt an ordinance approving the rezoning of several parcels from R-1 to I-3(PD) and 351 American Blvd. W. from I-3 to I-3(PD), adopt a resolution approving a Preliminary and Final Plat, and approve a Major Revision to the Preliminary and Final Development Plan for the Toro Corporate campus planned development subject to the conditions and Code requirements attached to the staff report.  
Motion carried 7-0.

## **RECOMMENDED CONDITIONS OF APPROVAL:**

The following conditions are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all other applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
2. Prior to Permit A Proof of Parking Agreement for 158 spaces must be approved and

- filed with Hennepin County.
3. Prior to Permit The Grading, Drainage, Utility, and Erosion Control plans must be approved by the City Engineer.
  4. Prior to Permit A right of way use agreement for the temporary use of the Pleasant Avenue right of way parking must be approved by the City Council.
  5. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
  6. Prior to Permit A Nine Mile Creek Watershed District permit must be obtained and a copy submitted to the Engineering Division.
  7. Prior to Permit Access, circulation and parking plans must be approved by the City Engineer.
  8. Prior to Permit The properties must be platted per Chapter 22 of the City Code and the approved final plat must be filed with Hennepin County prior to the issuance of any permits (22.03(a)(2)).
  9. Prior to Permit An erosion control surety must be provided (16.05(b)).
  10. Prior to Permit Landscape plan must be approved by the Planning Manager and landscape surety must be filed (Sec 19.52).
  11. Prior to Permit Parking lot and site security lighting plans must be revised to satisfy the requirements of Section 21.301.07 of the City Code.
  12. Prior to Permit Exterior building materials must be approved by the Planning Manager (Sec. 19.63.08).
  13. Prior to Permit Vacation of existing right of way and easements are recommended upon re-conveyance of new easements, as approved by the City Engineer.
  14. Ongoing All pickup and drop-off must occur on site and off public streets.
  15. Ongoing All loading and unloading must occur on site and off public streets.
  16. Ongoing All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
  17. Ongoing All rooftop equipment must be fully screened (Sec. 19.52.01).
  18. Ongoing Building must be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Sec. 903, MN.Rules Chapter 1306; MN State Fire Code Sec. 903).
  19. Ongoing A minimum 5 foot sidewalk must be installed connecting primary buildings within the planned development (Section 21.301.04(b)(1)).

**ITEM 4**  
6:52 p.m.

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**APPLICANT:** City of Bloomington**REQUEST:** Consider approval of draft Planning Commission meeting synopsis of July 7, 2016 and July 21, 2016

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**ACTIONS OF THE COMMISSION:**

**M/Solberg, S/Bennett:** I move to approve the draft Planning Commission meeting synopsis of July 7, 2016 as presented.  
Motion carried 7-0.

**M/Solberg, S/Bennett:** I move to approve the draft Planning Commission meeting synopsis of July 21, 2016 as presented.  
Motion carried 7-0.

The meeting adjourned at 6:53 p.m.

**Prepared By:** EO **Reviewed By:** GM, MC

**Approved By Planning Commission:** \_\_\_\_\_





# PLANNING COMMISSION SYNOPSIS

Thursday, August 11, 2016

## CALL TO ORDER

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Vice Chairperson Spiess called the Planning Commission meeting to order at 6:00 PM in the McLeod Conference Room of the Bloomington Civic Plaza.

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**COMMISSIONERS PRESENT:** Spiess, Batterson, Bennett, Goodrum, Solberg, Snyder, Swanson  
**STAFF PRESENT:** Markegard, Grout, Pelinka, Schmidt, O'Day

## ITEM 1 6:00 p.m.

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**APPLICANT:** City of Bloomington  
**REQUEST:** Introduction - Alejandra Pelinka, Bloomington Creative Placemaking & Engagement Director

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## DISCUSSION:

Alejandra Pelinka described the South Loop District and its key assets and opportunities. Within an average year, the South Loop attracts thousands of visitors, hotel guests, residents and employees. The South Loop vision is to transform a suburban area into a walkable urban neighborhood that attracts residents, employees, hotel guests and visitors by creating unique character and assets. The main goals of the South Loop Plan include transforming the District's character and establishing a distinct identity and sense of place. Creative placemaking efforts will help accomplish these overreaching goals by informing developers and residents of the South Loop identity. Creative placemaking provides opportunities for people to explore, gather and linger and creates a place with distinct character and identity. It would also increase tax revenues, encourage business growth and drive tourism. Since the launch of the South Loop District Plan in 2013, the City received funding from the National Endowment of the Arts to integrate art and continue long-term placemaking efforts. Pelinka described several creative placemaking efforts that have already been implemented in South Loop.

She said the Creative Placemaking and Engagement Director helps identify the South Loop brand and engages the community and stakeholders. Next steps include working on placemaking efforts with the MOA Transit Station, utility box wraps and Superbowl projects and creating a Creative Placemaking Commission that will be comprised of residents and businesses in Bloomington.

**ITEM 2**  
6:18 p.m.

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**APPLICANT:** City of Bloomington  
**REQUEST:** Neighborhood Commercial Study

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**DISCUSSION:**

Markegard presented a recap of the Neighborhood Commercial Centers Study and scoring criteria:

- Purpose
  - o Markegard stated the City Council’s strategic priorities include “renewal of priority neighborhood commercial nodes”. This has been a strategic priority in the past as well. Over the past couple decades, the HRA has revitalized four commercial nodes. Markegard presented slides depicting revitalized portions of 98<sup>th</sup> and Lyndale, France and Old Shakopee, 84<sup>th</sup> and Lyndale and Penn American. The last prioritization effort was labeled the “string of pearls” and prioritized different commercial nodes based on priority level. Improvements have taken place in all of the top priority areas. But redevelopment can be opportunity driven as well. Penn American is an example of that. Even though it was listed as a C priority, the opportunity that presented itself in the area caused it to move forward.
- Chronology for the Study
  - o March 8 – HRA study meeting
  - o April 7 – PC study meeting
  - o April 11 – CC study meeting
  - o May – June – Staff completed study
  - o July 12 – HRA presented findings
  - o August 11 – PC presented findings
  - o August 22 – CC will be presented findings
  - o Fall 2016 – HRA begins next steps of implementation
- Neighborhood Commercial Areas
  - o The study initially evaluated 19 candidates with retail focus
  - o Filtered out the commercial centers by the following criteria:
    - Areas must encompass at least 5 acres
    - Majority of the node must be zoned commercial
    - Exclude areas covered by district plans - (South Loop, Penn American and Normandale Lake) as they are already prioritized
    - Exclude areas that received recent HRA investment (France & Old Shakopee, 84<sup>th</sup> & Lyndale, 98<sup>th</sup> & Lyndale) as they are already prioritized
    - Exclude areas consisting predominantly of regional-oriented land uses, as they are more likely to be enhanced or redeveloped without public funds
    - Removed Normandale Village at the request of the City Council, given its positive condition
  - o The remaining eight commercial centers include: Amsden Ridge Center, Countryside Center, 90<sup>th</sup> and Penn, Central Lyndale, American Blvd and Nicollet, American Blvd and Portland, Old Cedar and Old Shakopee Road and 98<sup>th</sup> Street and Nicollet Avenue.
- Scoring criteria
  - o Scoring factors were grouped under three headings to assist in prioritizing the neighborhood commercial areas

- Need
- Impact
- Challenges

Schmidt presented on how staff scored all eight sites. The scores were relative to each area and the scores reflected the average across all parcels. Each criteria was scored with a 0, 1, and 2 score with a weight of 1, 2, and 3. The higher the overall score, the higher need for potential redevelopment, revitalization or HRA assistance. Schmidt provided two examples on qualitative and quantitative scoring.

Scoring was challenging as it is subjective plus qualitative factors made it difficult to evaluate an area with a large number of sites, especially at 98<sup>th</sup> Street and Nicollet. One parcel could score relatively low, while another parcel in the same center could score relatively high. Solberg asked how that would be evaluated if there are many qualitative differences in one area. Markegard said it makes sense use different strategies for different parts of the same neighborhood commercial center. In fact, staff recommends that approach in several cases, which Grout will explain.

Markegard gave an overview of the scores. He noted that American Blvd and Portland, 98<sup>th</sup> Street and Nicollet and Old Cedar and Old Shakopee Road scored the highest in the study, which means more need and opportunity for redevelopment and revitalization. These three centers were within the top four under the need and impact headings; however, American and Portland was the only center to score within the top three under the challenges heading.

Markegard noted that some believe Bloomington is overretailed. With the addition of large big box stores that were not present in the 1950s and 1960s when retail nodes were established, there is less demand for smaller-scale neighborhood retail uses. Staff looked at the potential for commercial centers to move away from retail uses and toward other uses, especially residential. He displayed a slide depicting where residential opportunities were the greatest in each node.

Grout presented on the neighborhood center prioritization and strategies.

Priority A	Priority B	Priority C
<ul style="list-style-type: none"> <li>• American &amp; Portland</li> <li>• 98<sup>th</sup> &amp; Nicollet</li> <li>• Old Cedar &amp; Old Shakopee</li> </ul>	<ul style="list-style-type: none"> <li>• Countryside Center</li> <li>• American &amp; Nicollet</li> <li>• 90<sup>th</sup> &amp; Penn</li> </ul>	<ul style="list-style-type: none"> <li>• Central Lyndale</li> <li>• Amsden Ridge</li> </ul>

He said the HRA would review opportunities within the Priority A areas first, but still have the option to assist an area in priority B or C if an opportunity presents itself.

Grouted reviewed potential HRA assistance strategies within the top three priority commercial centers.

- American and Portland
  - o The east side of American Blvd and Portland Avenue is currently being redeveloped to improve the parking lot, sidewalks, landscaping and add a new anchor tenant.
  - o Portland and American is important for the residential neighborhood to the south.
  - o The west side of American Blvd and Portland Avenue has access challenges.
    - Changes to this center could focus on renovations on the north half to include the façade, parking lot, internal pedestrian access, landscaping and rear loading area
    - With redevelopment of the southern half to improve the site layout and appearance on the corner
  - o These two centers are heavily utilized by residents walking from Richfield as well.
- 98<sup>th</sup> and Nicollet
  - o Potential redevelopment of the southeast quadrant
    - Would require compilation of parcels
    - Potential change of use to multi-family or mixed use development
    - Bury overhead power lines
    - Add boulevard to public sidewalk
  - o Renovations to the southwest quadrant could include façade, parking lot and landscaping updates
  - o The north side of 98<sup>th</sup> Street is in good condition and any changes there would be market driven
- Old Cedar and Old Shakopee
  - o The Engineering Department plans to improve the intersection at Old Cedar and Old Shakopee Road.
  - o Some lots are currently for sale and the City could acquire land to bank it.
  - o The northwest quadrant includes a large strip mall with a condominium form of ownership. There is a possibility for mixed-use or senior housing in this area that would benefit the surrounding residential neighborhood.
  - o Renovations to the southeast quadrant could include façade, parking lot and landscaping updates.

In the fall, the HRA will meet with landowners, review HRA financial resources, gather input from developers and seek partners to help assess market demand.

Grout posed the following questions to the Commission:

- Questions on study methodology?
- Comments on the proposed prioritization?
- Comments on the potential strategies?

Snyder said that although the qualitative factors may be subjective, it provides a good basis for discussion. It creates a rubric with which to analyze and compare the areas. She finds the approach very helpful.

Batterson was concerned that American Blvd and Nicollet may be overlooked in the prioritization. American Blvd has become Bloomington's central corridor. There is potential to tie in American Blvd and Portland Avenue with Nicollet.

Solberg was concerned about the fit with the neighborhood need. How do you determine what's best for the neighborhood? Grout stated the redevelopment could include landscaping or façade improvements so that the existing tenants aren't "priced out". Markegard noted that residents often express a strong desire for "mom and pop" type businesses as opposed to chains. "Mom and pop" businesses typically need low rents and usually can't afford space in newly constructed buildings. A big concern with scrape

and build redevelopment is that only chains will be able to afford the rent, pricing out mom and pop businesses. Hence the importance of using revitalization strategies in some cases rather than full redevelopment. Goodrum noted that once one tenant improves the property, it could create a trend for others to do similar improvements.

Spiess liked that the strategies address the services and needs for families in the area. The strategies are driven by understandable factors. Swanson noted there could be great potential for unique development at a remnant parcel on the northeast quadrant of Old Cedar and Old Shakopee Road. The roadway improvement could create a small and unusually shaped parcel but that could yield an interesting small building. Grout noted the Old Cedar Bridge could bring increased bicycle activity to the intersection. Solberg discussed the Red Line route and that there had been discussion of routing the line through Old Cedar and Old Shakopee Road but the lack of density caused route planners to reject that routing. It is important to evaluate proximity to transit lines. Goodrum asked if there is a possibility to hire a private firm to conduct a market study. Grout said it is an option.

Markegard asked the Commission about American Blvd and Nicollet. Spiess noted that Kennedy students often utilize the area and Nicollet and 98<sup>th</sup>. She sees Nicollet and 98<sup>th</sup> as a higher redevelopment/revitalization priority than American and Nicollet. Also, the relationship between Lyndale and Nicollet Avenues in Minneapolis is unique and there could be an opportunity to continue those corridors into Bloomington. Batterson gave Eat Street as an example of an area with many unique ethnic restaurants and retail stores. Goodrum also noted that HRA should be cautious of using monies along American Blvd as it is a regional area with higher chances for market driven redevelopment.

**ITEM 3**  
7:08 p.m.

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**APPLICANT:** City of Bloomington  
**REQUEST:** Review Planning Commission Rules of Procedure

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**DISCUSSION:**

Markegard reviewed the ex parte contacts and conflicts of interest sections of the Rules. The Commission's previously adopted ex parte contact rules are meant to keep discussion in the public record and to avoid any undue influence. If ex parte contacts do occur, those contacts should be disclosed prior to Planning Commission discussion of any given item. The Commission agreed that ex parte contacts has not been an issue over the past year as there have been very few. Solberg noted that his work may relate to some items at the Planning Commission but he is comfortable with the word "should" in the language. Goodrum also agreed with the proposed language in the Rules. Swanson asked about the possibility of a Bloomington email address. Markegard noted there has been some discussion with Information Systems about Commissioners having a City e-mail account but it was decided against. Staff suggests creating a personal email address for Planning Commission related news. The concern is that a work email could make public data requests and e-discovery more difficult while potentially exposing non-Planning Commission related e-mail to discovery. Staff will continue to look into the issue and best practices.

Markegard noted that conflicts of interest arise when a spouse or family member might directly or indirectly gain from a planning decision. In that case, Commissioners may discuss whether there is an actual or perceived conflict with the Planning Manager or City Attorney and the person must abstain from participating in that item and must leave the chambers during that item.

Markegard asked if the Commission desired any changes to these sections or to any other sections in the Rules of Procedure. The Commission did not have any changes.

**ITEM 4**  
7:16 p.m.

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<b>APPLICANT:</b>	City of Bloomington
<b>REQUEST:</b>	Appoint Planning Commission representative to the Forward 2040 Advisory Committee

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**DISCUSSION:**

Goodrum has expressed interest in participating on the Forward 2040 Advisory Committee. The Planning Commission agreed to appoint Goodrum as their representative on the Forward 2040 Advisory Committee.



**ITEM 5**

7:17 p.m.

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**APPLICANT:** City of Bloomington**REQUEST:** Election of Planning Commission Officers

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**DISCUSSION:**

By secret ballot, the Commission elected officers for the next year as follows:

Chair: Kelley Spiess

Vice Chair: Budd Batterson

Chairperson Spiess appointed Liz O'Day as Secretary to the Planning Commission with all commissioners voting approval via a voice vote.

The meeting adjourned at 7:21p.m.

**Prepared By:** EO **Reviewed By:** GM, JS

**Approved By Planning Commission:** \_\_\_\_\_